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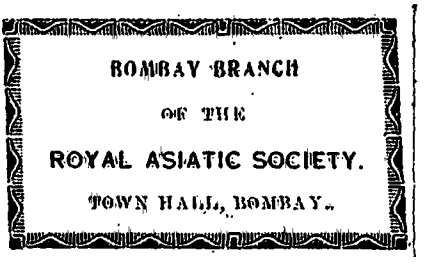

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REPRESENTATIONS ON THE PROPOSALS OF THE SIND PROVINCIAL DELIMITATION COMMITTEE

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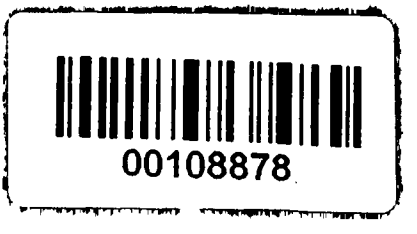
FOR THE

DELIMITATION OF CONSTITUENCIES FOR THE FEDERAL COUNCIL OF STATE



1935

KARACHI:
PRINTED AT THE COMMISSIONER'S PRINTING PRESS
1935.

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Larkana (Sind), 9th October 1935.

To

THE COMMISSIONER IN SIND.

Subject.—Delimitation of constituencies for the Council of State.

SIR,

With reference to your notification inviting objections on the recommendations of Davis Committee for delimitation of constituencies for the Council of State, I have the honour to state as under:—

The Davis Committee has suggested single-member constituencies without assigning any reasons for their recommendations. It seems they have taken for granted the same objections to multiple constituencies as to the Sind Provincial Legislative Assembly, but the conditions existing here are quite different. The total number of voters of about 2,500 for both Muslims and General (about 1,500 Muslims and 1,000 Hindus) for the whole of Sind will hardly admit of any cases of impersonation so as to vitiate the very fundamental principles of election. The Government and the Davis Committee have based the electorate more on status and experience of voters than on the mere numbers. Voters of this kind can be safely relied upon to use their discretion. In the interest of national growth and wide representation, the system of single-member constituencies should be replaced by multiple constituencies giving three places to Muslims and two to General for the whole of Sind. The seats allotted to Sind are so few that each member returned should consider himself as a representative of the Province.

If, however, the principle of multiple constituencies is not accepted by the Indian Delimitation Committee, I would request you to kindly bring to their notice my objections to the general constituencies fixed by the Davis Committee.

The proposal to divide Sind for General Constituencies (1) Karachi and Hyderabad districts and (2) the rest of Sind, on the mere strength of voters is both inequitous and unjust. The Indian Franchise Committee nowhere has suggested the fixing of seats on the mere strength of voters and the Government also has not accepted this principle. If the number of voters is not the only criterion, there is absolutely no reason of detaching Thar Parkar district from Karachi and Hyderabad districts and putting it with the rest of Sind. While there is very much common between Hyderabad

and Thar Parkar districts in the way of relationships, trade, common zamindari interests and political likeness, there is nothing common between the rest of Sind and Thar Parkar district. Besides the district of Thar Parkar is very near to Hyderabad district, but is divided by long distance from the rest of Sind. The two General Constituencies thus should be (1) Karachi, Hyderabad and Thar Parkar districts and (2) Nawabshah, Sukkur, Upper Sind Frontier, Larkana and Dadu districts.

I am also strongly in favour of enfranchising a greater number of women than has been done by the Davis Committee as women should have greater voice in the Government of the country. If the number of voters is thus increased, it will not in any way adversely affect the elections. The minimum qualification for a woman should be, that she should be the wife of a person paying Rs. 2,000 land assessment or an income-tax on Rs. 20,000.

I have, &c.,

(Sd.) S. S. TOLANI.

NOTE.—Mr. S. S. Tolani applied to the Commissioner in Sind on 21st October 1935 that the above representation should be treated to be from Mr. P. S. Tolani as Mr. S. S. Tolani's name and form had been used through clerical error.

Hyderabad, 11th October 1935.

To

THE COMMISSIONER IN SIND.

Sir,

I have the honour to submit the following objections of my Sabha to the proposals of the Sind Provincial Delimitation Committee about the general seats of the Council of State.

The Committee have assigned the two general seats as follows:—

Karachi district	}	One seat.
Hyderabad district		
Thar Parkar district	}	One seat.
Dadu district		
Nawabshah district		
Larkana district		
Sukkur district		
Upper Sind Frontier district ...		

The franchise for election to the Council of State has been conferred on men of certain status only, amongst whom those who pay heavy land revenue and heavy income-tax are in a great majority. Karachi has the heaviest list of income-tax payers and if one seat is given to Karachi and Hyderabad districts, as it is proposed to do, Karachi will monopolise the seat and Hyderabad district will not have the least chance of competing successfully for it. Similarly from amongst the other six districts which have one seat between themselves, Sukkur and Larkana have the heaviest poll and the candidate who hails from those districts will completely exclude the representatives of other districts.

My Sabha therefore proposes that the two seats should be divided territorially between East Sind and West Sind exactly in the way as it has been divided at present for representation in the Bombay Legislative Council. East Sind will consist of—

Hyderabad,
Thar Parkar, and
Nawabshah,

while West Sind will consist of—

Karachi,
Dadu,
Larkana,
Sukkur, and
Upper Sind Frontier districts,

It is possible that this proposal may result in an unequal distribution of voters, West Sind having more voters than East Sind. The advantage, however, will be that the candidates will have fairer chance for competition and the territorial division will be more equal. The division of three districts to form one constituency and five to form the other constituency is certainly more fair than that of two districts against six.

I have, &c.,

(Sd.) GOBINDRAM PRITAMDAS,
President, Hindu Sabha.

From

SETH UDHAWDAS THANVERDAS,
President, Thar Parkar District Hindu Panchayat.

To

THE COMMISSIONER IN SIND.

Sir,

In response to the Press Note, General Department, No. G.-5153 of 5th October 1935, I, on behalf of the Thar Parkar District Hindu Panchayat, submit my following objections on the recommendations of the Sind Provincial Delimitation Committee regarding constituencies for the Federal Council of State :—

The two General Constituencies have been so proposed by the Sind Delimitation Committee that one constituency means too small and the other too big and unwieldy. Besides that the districts are not interconnected. I therefore suggest that the two constituencies should be divided as "Indus Left Bank" and "Indus Right Bank Constituencies". The number of electors, according to my suggestion, will be nearly equal as detailed below :—

Indus Left Bank Constituency.

District.	No. of voters. Men.	Women.	Grand total.
Hyderabad ...	77	25	
Thar Parkar...	92	32	
Nawabshah ...	59	9	
Sukkur ...	131	12	537
Total ...	459	78	

Indus Right Bank Constituency.

District.	No. of voters. Men.	Women.	Grand total.
Karachi ...	307	43	
Dadu ...	53	10	
Larkana ..	101	18	
Upper Sind ...	22	8	562
Total ...	483	79	

The above Schedule will show that the number of women voters is the same, and that is only a very small difference in the male voters.

This decision will maintain better unity and constituency of the districts and a fair apportionment of the electorate than the one proposed by the Sind Delimitation Committee.

Regarding the franchise, I propose that Presidents of all Municipalities should be enfranchised and not only of Borough Municipalities and District Local Boards. The President of any Municipality is no way less in position than a Khan Bahadur, Rai Bahadur or a Chairman of Co-operative Central Bank, and as experience and position are being enfranchised, all the Presidents, past and present, of all the Municipalities should also be enfranchised.

I therefore request that my this objection may kindly be placed before the Indian Delimitation Committee.

I have, &c.,

(Sd.) UDHAWDAS THANVERDAS,
President.

KARACHI INDIAN MERCHANTS' ASSOCIATION.

REF. NO. 1015/35.

Karachi, 11th October 1935.

To

THE COMMISSIONER IN SIND.

Subject.—Delimitation of constituencies for the Federal Council of State.

Sir,

With reference to the Press Note No. G.-5153, dated the 5th October 1935, I am directed to forward the following views of the members of my Committee on the recommendations of the Sind Delimitation Committee regarding delimitation of constituencies of the Federal Council of State :—

From the Report of the Sind Delimitation Committee it is observed that the scope of the Committee was restricted by certain conditions, two of which, *viz.* (1) the electorate should not exceed 2,500; and (2) the number of persons qualified to vote by payment of land revenue should be to the number of voters qualified to vote by payment of income-tax in the ratio of three to one, are objectionable. These have unduly restricted the Committee in their recommendations. It is, therefore, requested that the Indian Delimitation Committee should consider the question in the light of the views set forth below without regard to these restrictions and widen the franchise for Federal Council of State constituencies.

It is considered that both the income-tax as well as land revenue qualifications are fixed too high, and should be reduced to assessment to an income of Rs. 5,000 or land revenue of Rs. 500 per annum. It is hardly necessary to state that owing to trade depression income from trade as well as salaries has considerably gone down and the number of persons assessed to an income of Rs. 10,000 is much too small. As a matter of fact, the constituencies are sought to be unduly restricted to 2,500 voters each by prescribing very stiff qualifications. What is desired is to extend franchise to persons paying income-tax on an income of Rs. 5,000, particularly looking to depression which has lasted for about 7 years. Otherwise very intelligent persons with considerable stake in the country who are among such assessees will be unnecessarily debarred.

In the case of land revenue while it is strongly suggested that the qualification be generally lowered to Rs. 500 per annum, it is urged that such lowering of the qualification is necessary in the case of General Constituencies. For, in Sind, there are very few large land-holders among non-Muslims paying land revenue of Rs. 1,000 or over, but nevertheless they are a very intelligent class and have sufficient stake in the country so as to entitle them to

franchise. Further, I am to suggest that jagirdars or such zamindars as are exempted from the payment of land revenue, but would otherwise be assessable to land revenue of Rs. 500 per annum should also be enfranchised.

The qualifications recommended for the enfranchisement of women are also too stiff and should be brought down. It is, however, suggested that in the case of women it would be more in the fitness of things in order to provide for intelligent exercise of the right of vote to enfranchise all lady-graduates of recognised Universities.

My Committee do not see why title-holders need be specifically enfranchised. Most of them would be qualified by virtue of one or the other substantial qualifications, *viz.*, property, office or educational. Such title-holders as do not possess any of these have hardly any claim to enfranchisement.

The following additional qualifications are suggested :—

(1) Presidents of recognised Chambers of Commerce or Trade Associations.

It is desirable to recognise the importance and status of this office as has been done in the case of Mayors and past Mayors and Presidents of Karachi Municipality and other Borough Municipalities and District Local Boards, Vice-Chancellors and Fellows of Universities, &c. It is needless to dilate upon the importance of trade organisations in modern economic life in recognition of which it is necessary to qualify their Presidents for these constituencies.

(2) All Registered Graduates of recognised Universities to which Sind Colleges are affiliated.

Registration pre-supposes a standing of at least 7 years and a Graduate of this standing should have the right of vote in these constituencies. It is not always that men with educational attainments are successful in life, but they nevertheless have sufficient mental equipment and voice in public life so as to entitle them to this right. Requirement of University registration will check undue swelling of the number of voters.

As regards other qualifications recommended by the Delimitation Committee there is general agreement so far as the members of my Committee are concerned.

It is hoped that due consideration will be given to the above views by the Indian Delimitation Committee.

I have, &c.,

(Sd.) T. M. GURBAXANI,
Secretary.

No. G. P.-1/242.

BUYER'S AND SHIPPERS' CHAMBER.

Karachi, 11th October 1935.

To

THE COMMISSIONER IN SIND,
KARACHI.

Subject.—Delimitation of Sind Constituencies for the Federal Council of State.

SIR,

With reference to the Press Note, General Department, No. G.-5153, dated the 5th October 1935, I am directed by my Committee to forward their views as under on the subject of delimitation of Sind Constituencies for the Federal Council of State for consideration of the Indian Delimitation Committee.

My Committee have very carefully considered the Report of the Sind Delimitation Committee which, to their regret, they find is governed by the recommendations, based as they are on certain conditions at the instance of the Local Government, *viz.* :—

(1) That the electorate should not exceed 2,500.

(2) That the number of persons qualified to vote by payment of land revenue should be to the number of persons qualified to vote by payment of income-tax in the ratio of three to one.

With regard to (1) in my Committee's opinion, it is deemed regrettable to fix the maximum number of votes, for as it can be well realised it carries in itself rigid limitation in regard to the right of franchise.

Its repercussions in stipulation No. (2) follow as a corollary, for the Committee had to prescribe such high qualification as income-tax assessibility of Rs. 10,000, nor do my Committee find any justification for the differentiation sought to be set up by the Local Government in over-emphasising the representation of payment of land revenue as against liability to assessment of income-tax, for it creates undoubtedly a preference for the rural interests over urban interests.

My Committee have analysed the qualifications for franchise as suggested by—

(*a*) The Government,

(*b*) The Sind Provincial Delimitation Committee, and

(*c*) His Majesty's Government on 1st October 1935,

and regret to observe that the last-named authority have raised the assessment to income-tax to the sum of Rs. 12,500 as against Rs. 10,000 recommended by the Sind Provincial Delimitation Committee. My Committee strongly feel that the proposed minimum limit of Rs. 10,000 viewed from the depressed conditions which now prevail in commercial circles is heavy, but it is rendered more onerous by the recommendations of His Majesty's Government raising it to Rs. 12,500. If the idea is to implement the Reforms for the purpose of training and equipping an electorate to take their actual place in their own Government by gradual stages, the franchise, I am asked to submit, should be broad-based as far as possible. On careful examination of the prevailing conditions, my Committee cannot help observing that any figure higher than Rs. 6,000 would fail to secure adequate representation of urban interests. In this connection, my Committee beg to invite your attention to the following remarks at page 42 of the Sind Provincial Delimitation Committee's Report on the delimitation of constituencies for the Sind Legislative Assembly of Mr. H. S. Bigg-Wither :—

> " . . . . . the economic depression which has already lasted for over five years and is still very little abated in India, has reduced the profits, and therefore also the income-tax payments of some of the oldest established and most respected firms in India, both European and Indian, to nil for several years past . . . . . "

This general factor alone, in my Committee's opinion, warrants lowering of the income-tax qualification to Rs. 6,000 as suggested above.

With regard to the differential qualifications for women, my Committee desire to urge upon the Indian Delimitation Committee the vital importance of extending the franchise to them in as large a measure as possible, and to this end they would suggest that the qualification No. (3) proposed by His Majesty's Government should be altered to read as under :—

" (3) Being the wife of a person who is—

(i) liable to payment of land revenue of not less than Rs. 1,200 per annum, or

(ii) assessed to income-tax on an annual income of not less than Rs. 10,000.

My Committee would further suggest that the following persons be considered qualified to vote for the Federal Council of State elections—

(1) Chairmen or Presidents of recognised Chambers of Commerce.

(2) Deputy Mayors of Municipal Corporations.

(3) M.As., M.Sc., M.Coms., M.Es., M.Ags., LL.Ms., M.Ds., M.Sc., D.Hys., of five years' standing.

(4) Lady Graduates of recognised Indian Universities.

I have, &c.,

(Sd.) HOSHANG N. E. DINSHAW,
Chairman.

KARACHI : THE COMMISSIONER'S PRINTING PRESS.

REPORT

OF

THE SIND PROVINCIAL DELIMITATION COMMITTEE

1935

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Report of the Sind Provincial Delimitation Committee.

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L (iv) 504—A

Karachi, 20th July 1935.

To

THE CHIEF SECRETARY,

TO THE GOVERNMENT OF BOMBAY,

Political and Reforms Department, Poona.

Subject—SIND PROVINCIAL DELIMITATION COMMITTEE'S REPORT

SIR,

I have the honour to submit the Report of the Sind Provincial Delimitation Committee.

I have the honour to be,

Sir,

Your most obedient servant,

(Sd.) G. G. DREWE,

Secretary, Sind Provincial Delimitation Committee.

THROUGH THE COMMISSIONER IN SIND.

CHAPTER I.

CONSTITUTION AND TERMS OF REFERENCE.

2. With a view to investigate the preliminary action necessary to provide for the constitution of the Sind Legislative Assembly under the provisions of the Government of India Bill now before Parliament, the Government of Bombay, in their Resolution No. R.-287-II., dated 27th June 1935, of the Political and Reforms Department, appointed a Committee to consider the delimitation of constituencies for the Sind Legislative Assembly under the Reformed constitution and to make a report embodying their recommendations.

The Committee was constituted as follows :—

G. Davis, Esqr., I.C.S.	Chairman.
Khan Bahadur Allah Bakhsh Haji Muhammad Umar, O.B.E., M.L.C.	Members.
Seth Haji Abdullah Haroon, M.L.A. ...	
Dewan Bahadur Hiranand Khemsing Advani.	
G. G. Drewe, Esqr., I.C.S. (Secretary). ...	

3. The Committee was given power to co-opt a representative of each special interest such as a landholder, a woman or a representative of Labour or Commerce when those special interests were under discussion. The person so co-opted was to be given the full rights of a member in relation to the special interests to which such member was co-opted. The Committee was of the opinion that their terms of reference read with the Table of Seats in the Fifth Schedule to the Government of India Bill Reprint and the Foot-note to the Table of Seats on page 349 of the Report of the Joint Committee on Indian Constitutional Reforms, justified them in co-opting to represent the interests of women one Muhammadan and one Hindu lady, and to represent the interests of Commerce one Indian and one European gentleman. In the exercise of this power the Committee co-opted the following persons for the following special interests :—

Mrs. Hatim B. Tyebji as representative of Mussalman women ;

Miss Thakuribai Lakhani as representative of women in the General Constituency ;

Mr. Jamshed N. R. Mehta as representative of Labour ;

Mr. B. T. Thakur as representative of Indian Commerce ; and

Mr. H. S. Bigg-Wither as representative of European Commerce.

4. The Committee construed their terms of reference as justifying them when delimiting the constituencies in special interests not only to determine the area in which the votes should be recorded, but also, where necessary, to specify the qualifications of the voters, as the two aspects of the question appeared to be inseparable.

5. The Committee was unable under the terms of reference to record oral evidence, but written representations were invited from the public in the Press Communique, dated 13th June 1935, and this Communique was ordered to be published by the Committee in the local newspapers so as to give further notice. A number of representations were received and were carefully considered by the Committee before they reached their conclusions. A list of the relevant representations is attached in Appendix IV.

6. The Committee held their preliminary meeting on 22nd June 1935, and arranged for their procedure and they thereafter met daily, except on Saturdays and Sundays until the 8th July 1935 when they adjourned for the drafting of their report. They met again and considered the draft report on 16th July 1935. The report was signed on July 20th, 1935.

The other members of the Committee wish to put on record their appreciation of the great help given them by their fellow member and Secretary Mr. G. G. Drewe.

CHAPTER II.

THE BASIS OF OUR PROPOSALS.

7. In all our deliberations we were guided by the desire to carry into practical effect the principle of responsible Government embodied in the new Government of India Bill, and to make as close and effective as possible the relations between the Government and the people through their chosen representatives.

8. We appreciate the fact that the ultimate basis of representation in a populary elected assembly must rightfully be that of population. We recognise, however, that this principle must be modified in practice by special circumstances and considerations. We were bound by the terms of the Communal Award to be embodied in an Act of Parliament; we found the districts presented themselves to us as well defined divisions of the Province whose inhabitants had a certain sense of common attachments and associations and administration of which was adapted to the effective control and supervision of elections. We, therefore, considered that, so far as the Muhammadan and General Constituencies were concerned, no district as such should go unrepresented in the Assembly and we kept the boundaries of constituencies within or coterminous with the boundaries of the districts.

9. We were impressed at an early stage of our discussions by the overwhelming necessity of obtaining as close and simple and direct a contact as possible between the Government and the people. We, therefore, accepted the principle of single-member constituencies. We can find nothing in the report of the Indian Franchise Committee which precludes or disapproves this recommendation. On the contrary, we are supported in our conclusion by their opinion.

10. We also found the talukas presented themselves to us as well defined self-contained administrative units each having a centre of local interest and importance. We have therefore generally made the boundaries of talukas the boundaries of constituencies. We could not agree to subdivide talukas for though thereby we could have avoided certain disparities in population, to have agreed that dehs from one taluka should be added to another taluka would be to offer opportunity for the manipulation of constituencies and to impose upon those responsible for the sub-division a very invidious and difficult task. To this extent have we modified in practice as a result of practical considerations the principle of representation upon the basis of population.

11. Where the towns by reason of their population and situation lent themselves to the formation of separate constituencies we recognised them as such, but in other cases we could discern no such conflict and divergence of interests between the inhabitants of towns and the surrounding countryside as would justify our joining town to town in non-contiguous constituencies. On the contrary, we came to the conclusion that in such cases there is greater community of interest between towns and the surrounding countryside than between towns set miles apart. We have, therefore, in many cases included towns and the surrounding countryside in one constituency, and we found on page 43 of the report of the Indian Franchise Committee, the following:—

> "The actual influence which the urban vote may have on rural areas depends largely on the extent to which urban areas are included in rural constituencies, and it is not possible to indicate at this stage what the proportion of the purely urban vote in mixed constituencies will be."

12. We have therefore concluded that towns of moderate size when joined with the surrounding countryside should together constitute a rural constituency.

13. We found ourselves unable to accept the argument that the towns by reason of their greater reputed wealth and the political enlightenment and experience of the inhabitants should have a greater representation in the Assembly than the country, and we find ourselves fortified in this conclusion by a reference to page 42, paragraph 92 of the Report of the Indian Franchise Committee which is as follows:—

> "The Southborough Franchise Committee said that the qualifications adopted by them would result in enfranchising a substantially higher proportion of the urban than of the rural population, a result which they believed to be justified by the higher standard of wealth and intelligence in the towns. We are not satisfied that this disparity is justifiable and we have done our best to remedy it, so far as practicable."

14. We regard stability as a vital element in the new Government in Sind, and, therefore, it is essential that the country districts be given their full share of representation.

CHAPTER III.

SINGLE-MEMBER CONSTITUENCIES.

15. To no other aspect of the problem before us have we given greater consideration than to that of single-member and multi-member constituencies, and, special interests apart, on no other question are we more convinced and decided. We have to come to the conclusion that, having regard to the existing conditions and the ultimate purpose of the enfranchisement of the people, single member constituencies offer, as against multi-member constituencies, overwhelming advantages. It is true that hitherto multi-member constituencies have served their purpose during a period of transition, but their purpose has been a limited one. Electorates have been small and representatives in the councils comparatively few in number. Times are now to change. The franchise is to be greatly extended and the new Government of India Act is to bring into existence a Government responsible to the people in far greater measure than hitherto. It is, therefore, above all things necessary that contact between the Government and the people through their chosen representatives should be as close, simple, direct and effective as possible, and this cannot be the case where multiple representation divides responsibility.

16. The objections to multi-member constituencies are indeed numerous. By reason of their plural nature, their larger area, the lesser contact between the people and those who represent them, the multiplicity of votes, of voters and of representatives, multi-member constituencies offer greater opportunities for manipulation and intrigue, for the evasion of responsibility, the practice of deception, and for the buying and selling of votes, than do single-member constituencies where one representative is alone answerable to a smaller number of electors. Impersonation, which has unfortunately marred so many recent elections, must flourish the more where the number of the electors and the number of votes is multiplied and where the area of the constituency is so enlarged that personal knowledge, which is the most effective check upon impersonation, is at a discount. The question of costs also cannot be ignored, for the costs of canvassing and of an election for a wide area must debar from candidature men of ability who could serve their country well and who are not rich. We are of opinion that the electors should be asked to choose one member to represent them and not two. It is true that by means of multi-member constituencies disparities in population and in the number of the electors—almost inevitable in single-member constituencies—would be reduced, and indeed, if the principle of multi-member constituencies were carried to its logical conclusion, all disparities would disappear when the whole province would be included in one multi-member constituency; and

in the Muhammadan constituency each voter would have thirty-three votes and in the general constituency each voter would have eighteen. We however prefer "one man, one vote, one representative".

17. The stock argument in favour of multi-member constituencies is that they enable minorities to secure representation. But this argument must lose much of its force now the Communal Award has provided for the present, at least, a settlement of this vexed question. Moreover, in Sind, within the Hindu community, there is no division or disunion nor is there disunion within the Muhammadan community. For the rest, it is open to any other minority to influence its representative by its votes and the electorate by its arguments. More helpful is it so to arrange that a minority, when living together, is included within one constituency. The vote of the minority may well then be a vote worth winning.

18. It is represented to us that single-member constituencies would shut out from the Assembly those possessing the greatest political intelligence, enlightenment and experience and most fitted to guide the infant steps of the new Assembly. Stress is also laid upon the qualities of intelligence and literacy. But we are not prepared to deny intelligence to or discriminate against those who under the authority of Parliament are to be enfranchised. A man is not necessarily wise because he can read and write. Literacy is only one accomplishment and qualification. We each of us have known men of integrity and shrewdness who though illiterate have commanded our respect. It is said that the interest and outlook of the new constituencies and their representatives will be narrow and parochial. But if this be so, we know of nothing so likely to widen their outlook and their interest than an active participation in the work of the Assembly. It is suggested that single-member constituencies will be so many pocket boroughs. We think it unreasonable to describe as a pocket borough a constituency of some 70,000 people with an electorate of thousands moving towards adult franchise. It is said again that candidates only of a poor calibre will be forthcoming for single-member constituencies. But there appears no reason why residence within a constituency should be a necessary qualification for election. Nor does there appear to us any reason to suppose that there will not be forthcoming from among those entitled in the future to stand for election men of honour, courage and ability. It is, however, true that constituencies will have to be wooed and won, and confidence will have to be established between the people and their representatives. And it may well be that those who live among the people will have their greater confidence and trust and will be returned to the Assembly as their representatives. We see, however, in this, advantage rather than disadvantage.

19. The only argument we concede against single-member constituencies as we have constituted them and which, in our opinion has any force, is that the division of the district into single-member constituencies must result, as we have generally kept the boundaries of the talukas intact, in a disparity of population between certain constituencies. In certain cases the disparity in the number of the population is considerable, but this disparity is only within the district. Between the districts themselves, with one excpetion, there is no greater disparity than is involed in providing that no district goes unrepresented in the Assembly. Looked at from this point of view, the disparities are not so great as at first sight appear. But we consider that whatever the disparities this one disadvantage of single-member constitueucies is far out-balanced by the advantages. Nor can we agree to the reduction of these disparities by the device of cutting through the talukas and adding dehs to other talukas, because thereby we would agree to a system which might lead to the manipulation and the arrangement of constituencies. Few systems are ideal. Nearly always it is the balance of advantages.

20. Certain representations which we received in favour of multi-member constituencies appear to us to imply a lack of faith and confidence in the people now under the authority of Parliament to be enfranchised. We do not share this lack of faith and confidence. The new Assembly will have to deal with problems which arise from the lives of the people of Sind and we have no reason to suppose that the people now to be enfranchised, through their chosen representatives will not be competent to perform the duties to be imposed upon them. On the contrary, we believe they will rise to the full height of their opportunity.

21. We are fortified in our conclusion as to the advantage of single-member constituencies by the opinion of the Indian Franchise Committee to be found on page 145, paragraph 367 of their report:—

> "We would simply point out that if separate electorates are adopted for any community, the constituencies so created must be single-member constituencies as otherwise they would be quite unmanageable in size."

CHAPTER IV.

MUHAMMADAN CONSTITUENCIES.

22. According to the Communal Award we have had to apportion thirty-three seats for Muhammadan constituencies among the eight districts of Sind. The total Muhammadan population is 28,30,800 and therefore the average population per seat is 85,714.

23. The following table shows the Muhammadan population, the number of seats due on a population basis and the number of seats allotted to each district.

District.	Muhammadan population.	Seats due.	Seats allotted.
Karachi	417,576	4·86	5
Dadu	286,839	3·35	3
Upper Sind Frontier ...	234,086	2·73	3
Larkana	367,542	4·28	4
Sukkur	440,127	5·13	5
Nawabshah	377,746	4·41	5
Hyderabad	460,920	5·38	5
Thar Parkar ...	245,964	2·86	3

24. We alloted the seats among the districts on a population basis and gave to each one, its quota, according to the nearest whole number to the number of seats actually due. There remained one seat over, which we gave to Nawabshah district as it had the largest remaining fraction.

25. Having allotted the number of seats to each district, we delimited the boundaries of the constituencies in the districts, according to the attached list.

26. Remarks on the delimitation in each district are given after the list.

MUHAMMADAN CONSTITUENCIES.

Serial No.	Name of Constituency.	Class.	Extent of Constituency.	Area in square miles.	Population.	Seats due on population basis.	Seats allocated.
1	Karachi City Northern ...	Urban..	Municipal Ward No. 5 of Karachi Municipal District.	39	64,842	0·75	1
2	Karachi City Southern ...	Urban ...	Karachi Municipal District excluding Ward No 5, Cantonments of Karachi and Manora and Karachi Port Trust limits.		58,005	0·68	1
3	Karachi Northern ...	Rural ...	Karachi and Tatta talukas ...	2,864	87,536	1·02	1
4	Karachi Southern ...	Rural ...	Ghorabari, Mirpur Sakro and Shahbundar talukas and Ketibundar Mahal.	3,078	103,470	1·20	1
5	Karachi Eastern ...	Rural ...	Sujawal, Jati and Mirpur Bathoro talukas.	2,016	103,723	1·20	1
6	Dadu Northern ..	Rural ..	Mehar and Kakar talukas ...	812	103,466	1·20	1
7	Dadu Central	Rural ...	Dadu and Johi talukas	1,052	95,461	1·13	1
8	Dadu Southern	Rural ..	Sehwan and Kotri talukas and Kohistan Mahal.	4,383	87,912	1·02	1
9	Upper Sind Frontier Eastern.	Rural ...	Kandhkot and Kashmor talukas ...	1,085	97,472	1·15	1
10	Upper Sind Frontier Central .	Rural ...	Thul taluka and Jacobabad District Municipality.	501	63,945	·74	1
11	Upper Sind Frontier Western.	Rural ...	Jacobabad taluka (except Jacobabad District Municipality) and Garhi Khairo taluka.	530	72,669	·85	1
12	Larkana Eastern ...	Rural ...	Larkana taluka	219	69,912	·82	1
13	Larkana Northern ...	Rural ...	Mirokhan and Ratodero talukas ...	500	87,947	1·02	1
14	Larkana Southern ..	Rural ...	Labdarya and Warah talukas ...	707	110,598	1·28	1

Serial No.	Name of Constituency.	Class.	Extent of Constituency.	Area in square miles.	Population.	Seats due on population basis.	Seats allocated.
15	Larkana Western ...	Rural ...	Kambar and Shahdadkot talukas ...	1,050	99,085	1·16	1
16	Sukkur North-Western ...	Rural ...	Shikarpur Borough Municipality and taluka.	507	87,795	1·02	1
17	Sukkur South-Western	Rural ...	Garhi Yasin taluka and Sukkur taluka without Sukkur Borough Municipality.	661	107,343	1·26	1
18	Sukkur South-Eastern ...	Rural ...	Sukkur Borough Municipality and Rohri taluka.	1,633	90,664	1·05	1
19	Sukkur Eastern ...	Rural ...	Ghotki and Pano Akil talukas ...	734	76,047	0·89	1
20	Sukkur North-Eastern ...	Rural ...	Mirpur Mathelo and Ubauro talukas.	2,066	78,278	0·91	1
21	Nawabshah Northern ...	Rural ...	Kandiaro taluka	404	65,283	0·76	1
22	Nawabshah North-Western...	Rural ...	Naushahro taluka	492	69,386	0·81	1
23	Nawabshah Western ...	Rural ...	Moro and Sakrand talukas ...	989	101,976	1·19	1
24	Nawabshah Eastern ...	Rural ...	Nawabshah and Sinjhoro talukas ...	1,442	73,271	0·86	1
25	Nawabshah Southern ...	Rural ...	Shahdadpur taluka	561	67,830	0·79	1
26	Hyderabad Northern ..	Rural ...	Hala taluka	511	87,729	1·02	1
27	Hyderabad North-Western ...	Rural ...	Hyderabad Borough Municipality, Cantonment and taluka.	384	89,333	1·03	1
28	Hyderabad Eastern ...	Rural ...	Tando Allahyar and Dero Mohbat talukas.	1,093	81,311	0·95	1
29	Hyderabad South-Western ...	Rural ...	Guni taluka	987	82,333	0·96	1
30	Hyderabad Southern ...	Rural ...	Tando Bago and Badin talukas ...	1,442	120,314	1·42	1
31	Thar Parkar Western ...	Rural ...	Mirpurkhas, Jamesabad, Digri and Sanghar talukas.	1,963	90,853	1·05	1
32	Thar Parkar Northern ...	Rural ...	Samaro, Umarkot and Khipro talukas.	4,193	74,818	0·87	1
33	Thar Parkar Southern ...	Rural ...	Mithi, Diplo, Chachro and Nagar Parkar talukas.	7,480	80,293	0·94	1
			Total ...	46,378	28,30,800	33·00	33

27. *Karachi district.*—We considered the interests of Karachi City and the rest of the district to be so distinct as to render necessary separate representation for each. We have allotted two seats to Karachi City and three for the rest of the district. The disparity between the population of the Karachi City and district constituences is due to the separate provision we have made for urban and rural interests. We have kept the Lyari Quarter as one constituency for Karachi City and have given the rest of Karachi to the other.

28. *Dadu district.*—No remarks.

29. *Upper Sind Frontier district.*—We considered that Thul taluka (population 56,162) was too small to form a separate constituency and have therefore added to it Jacobabad town. Jacobabad town is practically contiguous with Thul taluka, and we considered that the community of interests of a district headquarter town with a neighbouring taluka were sufficient to justify us in taking this course.

30. *Larkana district.*—The disparity in population between the Eastern and Southern Constituencies is very appreciable, but we came to the conclusion that the delimitation of constituencies, that we have proposed, offered the fewest objections. With seven talukas to be apportioned amongst four constituencies, we considered it proper that the taluka with the largest population should stand alone to form one constituency, while the other three constituencies should be formed of two talukas each.

31. *Sukkur district.*—To secure a fair distribution on a population basis, we have been forced to take Sukkur City from its own taluka and group it with Rohri taluka. Sukkur City is separated from Rohri taluka by only the River Indus, and as in the case of Jacobabad, we considered that the community of interests between a district headquarter town and a neighbouring taluka were sufficient to justify us in taking this course. We considered that we were not justified in joining the Cities of Sukkur and Shikarpur into an urban constituency, as the two cities are twenty-three miles apart, and we considered that both towns had closer bonds of unity with the surrounding countryside than with each other.

32. *Nawabshah district.*—In this district we had to apportion five seats amongst seven talukas. Delimitation according to our principles rendered disparities in population unavoidable.

33. *Hyderabad district.*—In this district we again had to apportion five seats among seven talukas, but there is very little disparity in population, except in the case of the Southern Constituency which is large. We were, however, unable to suggest any satisfactory alternative. As far as taluka boundaries permit, we have recognised the separate interests of the Fuleli tract and the Barrage zone.

34. *Thar Parkar district.*—In this district we have delimited the constituencies as far as possible in accordance with the different interests. The Desert is given separate representation, the Jamrao tract is left together in another constituency, and three of the four talukas on the new Barrage Canals are grouped together to form the third constituency.

CHAPTER V.

GENERAL CONSTITUENCIES.

35. According to the Communal Award we have had to apportion eighteen seats for General Constituencies among the eight districts of Sind. The total General population in Sind is 10,49,694 and therefore the average population per seat is 58,316.

36. The following table shows the General population of each district, the number of seats due on a population basis, and the number allotted to each:—

District.	General population.	Seats due.	Seats allotted.
Karachi	165,179	2·84	3
Dadu	51,555	0·88	1
Upper Sind Frontier	25,611	0·44	1
Larkana	81,085	1·38	1
Sukkur	183,393	3·14	3
Nawabshah	118,849	2·04	2
Hyderabad	201,954	3·47	4
Thar Parkar	222,068	3·81	3

We have allotted one seat to Upper Sind Frontier district as we think that no district as such should go unrepresented in the Assembly. The remaining seats we allotted among the other districts on a population basis, and gave to each one its quota according to the number of seats actually due.

37. But we have made one exception. Two-fifths of the people of the Thar Parkar district live in the Desert Division, and a large majority are of nomadic habits. The numbers entitled to be enfranchised under the present proposals are comparatively small, and to have allotted two members on the population basis would have been to constitute two constituencies with an electorate so small as to be difficult to justify. We realise, however, that this point will have to be re-considered if and when the franchise is lowered. We have therefore allotted to Thar Parkar three seats instead of four and given the remaining seat to Hyderabad district which, upon the population basis, is next entitled to it.

38. Having allotted the number of seats to each district, we delimited the boundaries of the constituencies in the districts according to the attached list. Remarks on the delimitation in each district are given after the list.

General Constituencies.

Serial No.	Name of Constituency.	Class.	Extent of Constituency.	Area in sq. miles.	Population.	Seats due on population basis.	Seats allocated.
1	Karachi City Northern ..	Urban...	Wards 1, 2, 4 and 5 of Karachi Municipal District.	39	68,497 (approximate).	1·18	1
2	Karachi City Southern ...	Urban...	Wards 3, 6, 7 and 8 of Karachi Municipal District and Karachi and Manora Cantonments and limits of Karachi Port Trust.		66,000 (approximate)	1·14	1
3	Karachi district ...	Rural ...	Karachi district excluding the area of the two urban constituencies of Karachi City.	7,958	30,682	0·52	1
4	Dadu	Rural ...	Dadu district	6,247	51,555	0·88	1
5	Upper Sind Frontier ...	Rural ...	Upper Sind Frontier district ...	2,116	25,611	0·44	1
6	Larkana	Rural ...	Larkana district	2,476	81,085	1·38	1
7	Sukkur Western ..	Rural ...	Shikarpur Borough Municipality and taluka and Garhi Yasin taluka.	902	62,979	1·08	1
8	Sukkur Central	Rural ..	Sukkur Borough Municipality and taluka.	270	57,699	0·98	1
9	Sukkur Western ...	Rural ...	Rohri, Ghotki, Pano Akil, Ubauro and Mirpur Mathelo talukas.	4,429	62,715	1·08	1

Serial No.	Name of Constituency.	Class.	Extent of Constituency.	Area in sq. miles.	Population.	Seats due on population basis.	Seats allocated.
10	Nawabshah Northern ...	Rural ...	Naushahro, Kandiaro, Moro and Nawabshah talukas.	2,346	57,741	0·98	1
11	Nawabshah Southern ...	Rural ...	Sakrand, Sinjhoro and Shahdadpur talukas.	1,542	61,108	1·06	1
12	Hyderabad City Central ...	Urban...	Wards 2, 3, 4, 5 and 6 of Hyderabad Borough Municipality.	4	45,187	0·78	1
13	Hyderabad suburbs and taluka	Rural ...	Wards 1 and 7 of Hyderabad Borough Municipality, Hyderabad Cantonment and the rest of Hyderabad taluka.	380	45,177	0·78	1
14	Hyderabad Northern ...	Rural ...	Hala, Tando Allahyar and Dero Mohbat talukas.	1,604	52,414	0·89	1
15	Hyderabad Southern ...	Rural ..	Guni, Tando Bago and Badin talukas	2,429	59,176	1·02	1
16	Thar Parkar Western ...	Rural ...	Mirpurkhas, Jamesabad, Digri and Sanghar talukas.	1,963	64,250	1·10	1
17	Thar Parkar Northern ...	Rural ...	Khipro, Umerkot and Samaro talukas	4,193	63,460	1·08	1
18	Thar Parkar Southern ...	Rural ...	Mithi, Diplo, Chachro and Nagar Parkar talukas.	7,480	94,358	1·63	1
				46,378	10,49,694	18·00	18

39. *Karachi district.*—We considered the interests of Karachi City and the rest of the district to be so distinct as to render necessary separate representation. We have accordingly given one seat to the rest of the district, although the population is far smaller than either of the urban constituencies into which we have divided Karachi City. In our division of Karachi City one of our objects has been to group the bulk of the minority communities such as Anglo-Indians, Parsees and Jews into one constituency, so that their voice will be more effectively heard.

40. *Dadu district.*—No remarks.

41. *Upper Sind Frontier district.*—We have given a seat to this district on our general principle that no district as such should go unrepresented in the Assembly.

42. *Larkana district.*—This is admittedly a large constituency, but Larkana district is not on the population basis justified in having two seats.

43. *Sukkur district.*—We considered that we were not justified in joining the towns of Sukkur and Shikarpur into an urban constituency as the two towns are twenty-three miles apart, and we considered that both towns had closer bonds of unity with the surrounding countryside than with each other.

44. *Nawabshah district.*—No remarks.

45. *Hyderabad district.*—We considered that Hyderabad City on the population basis was entitled to more than one seat, but was not large enough to justify two. We did not favour any proposal of joining it with the other Municipalities in the district to obtain the requisite population for two constituencies, as we considered that there was greater community of interests between Hyderabad and the surrounding country than between Hyderabad and the other towns in the district. Accordingly we have formed one constituency containing the central portion of Hyderabad City and another comprising the suburbs of Hyderabad City and Hyderabad taluka. We admit that this arrangement is not ideal, but consider that it is the best practicable. Of the other two constituencies, one comprises roughly the Fuleli tract, and the other the Barrage zone.

46. *Thar Parkar district.*—In this district we have delimited the constituencies as far as possible in accordance with the different interests. The Desert is given separate representation, the Jamrao tract is kept together in another constituency and three of the four talukas on the new Barrage canals are grouped together to form the third constituency. Our reasons for not according the Desert Division that representation which is due to it on the population basis have already been given.

CHAPTER VI.

EUROPEAN CONSTITUENCIES.

47. Two seats are reserved for the European community by the Communal Award and we see no reason why we should not apply to this community the same principle of single-member constituencies which we have applied in other cases. The majority of those to be enfranchised in this constituency live in Karachi, but we understand that the mofussil vote is and will continue to be a vote of some importance, and we desire that the interests of mofussil members of this community which may differ from the interests of members of this community living in Karachi, should be considered and that their vote should be a matter of some consideration to candidates. We propose, therefore that the mofussil vote should be attached to a ward in Karachi so as to effect an equitable division of this community into two single member constituencies. We have not been able to obtain precise figures of the electorate, but we understand that the electorate will in all number about one thousand, and that Karachi can be best divided by placing the Cantonment into one constituency and joining the rest of Karachi City with the mofussil vote in another constituency. We understand that this arrangement will effect an equitable distribution of the two seats in the community and we recommend accordingly.

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CHAPTER VII.

WOMEN'S CONSTITUENCIES.

48. According to the Communal Award one seat is reserved to women in the General Constituency and one to Muhammadan women. We consider that as the Women's Constituencies are intended to represent the special interests of women, they should be reserved for women only. We do not therefore agree to men participating either as candidates or as voters in these constituencies.

49. We desired that the constituencies should represent the interests of women of Sind as a whole, but we realised that to impose upon a woman candidate the duty of canvassing among the women generally throughout the province, was to impose too heavy a burden. Moreover, there is a certain community of interests between all women in Sind, and though we realised that there must be differences in the conditions of life of women in the towns and in remote villages, we have every reason to believe that the women who will come forward to represent these special constituencies will regard as closely the welfare of the women in the villages as in the towns. We thought it proper to find some common basis of representation for the two constituencies so that it might not be said that one district or one centre of population had been included and another excluded from the constituency without reason; and we came to the conclusion that for both the Women's Constituencies, it would be proper to include within the constituencies the District Headquarter towns of each district, so that each district might have some direct interests in the constituency. We also decided to include within the constituencies the City Municipalities as being centre of women's education and women's work. We decided also to include Rohri, a town of considerable size adjacent to Sukkur. We therefore recommend that both the Women's Constituencies should include the City of Karachi and the towns of Hyderabad, Sukkur, Rohri, Shikarpur, Larkana, Jacobabad, Mirpurkhas, Nawabshah and Dadu. We are assured by our lady colleagues that this constituency will not be too large or too scattered for proper contact to be maintained between the representatives and the electorate. We recommend that there should be included within the Women's Constituencies in these towns all those women entitled to vote in the territorial constituencies. We are anxious that the necessity of a woman applying to be put upon the electoral roll should not discourage women from exercising their right to vote, and though we think it right that women who are qualified on account of literacy should apply in writing to be put upon the electoral roll, and we accept as the test of literacy the ability to read or

write a simple letter in any language, we think that in other cases, where application for registration as a voter in these two special constituencies is required, application should be permitted to be made in writing either by the woman herself or by her husband or other near male relative on her behalf. We agree that there is no reason to differentiate in any way between the constitution of the two special Women's Constituencies. The area for the Muhammadan Women's Special Constituency and the General Women's Constituency will be the same, as will be the qualifications of the electors.

CHAPTER VIII.

LANDHOLDERS' CONSTITUENCIES.

50. Two seats are allocated by the Communal Award to represent the special interests of landholders in Sind. At present landholders have one seat in the Bombay Legislative Council. It was open to us to allocate the two seats to one two-member constituency for the whole of Sind and we are conscious of the fact that certain of the objections to multi-member constituencies which have influenced us in determining the delimitation of other constituencies in other cases, do not apply with such force to this constituency. The electorate, on the qualification of the payment of land revenue of not less than Rs. 1,000 in each of the three years preceding the election, will not be large, nor will impersonation be so likely to be successful.

51. On the other hand, a constituency covering the whole of the Province will be a very large constituency, and the interests of landholders in Upper and Lower Sind are not the same in all respects. Upper and Lower Sind moreover divided into the districts of Sukkur, Larkana, Dadu and Upper Sind Frontier, and the districts of Karachi, Hyderabad, Thar Parkar and Nawabshah, constitute two convenient areas with an electorate of much the same size. One seat in this constituency has been claimed by Jagirdars, but we do not think that the reservation of one of the two seats to Jagirdars is justified by their relative number and importance; though their number and interests will undoubtedly enable them to influence electors.

52. We have considered carefully the question of making this constituency a multi-member constituency, as the exception to the rule, so as to give, as our colleague Diwan Bahadur Hiranand Khemsing thinks it will give greater chance to the Hindu landholders of winning one of the two seats. We are not, however, satisfied that this would be the case, but even were it so, we think we cannot properly allow the communal question settled by the Communal Award to influence us in the allocation of seats in special constituencies. The two seats reserved to landholders are to represent the interests of landholders as such and not as Hindus or Muhammadans. Nor can we agree to the proposal that the seats should be allocated on the basis that the Hindu landholders being largely the money-lenders require representation as against their borrowers. The constituency is to represent the special interests of landholders and not of money-lenders. Nor can we base our proposals on hypothetical legislation.

53. We have, therefore, with the exception of our colleague Diwan Bahadur Hiranand Khemsing, come to the conclusion that the two seats reserved to landholders should be divided between the two constituencies of Lower and Upper Sind for the purpose of the representation of the special interests of landholders and that the present qualification of the paymant of Rs. 1,000, as land revenue should remain. We could not see our way to recommend either a reduction or increase of this amount.

CHAPTER IX.

LABOUR CONSTITUENCY.

54. One seat was reserved to this constituency by the Communal Award. The purpose of this and other special constituencies is to obtain a spokesman for the interests concerned and an expert to advise the Assembly on the special needs and interests of the constituency.

55. Our desire, therefore, so far as the Labour Constituency is concerned, was also to make the constituency representative of labour throughout the Province. But at the same time we were bound, if the constituency were not to be unmanageable in size, to keep the area of the constituency and the number of the electorate within reasonable bounds. We found labour organised in Unions only in Karachi. The three biggest Unions were the Port Trust, Sind Branch, North-Western Railway and the Karachi Municipal Sweepers, and, in each case, the membership did not exceed 1,000. We could not, therefore, agree that representation of Labour through Unions was for the present an adequate representation of labour throughout the Province of Sind, and we decided therefore that the Labour Constituency should be a mixed constituency of organised and unorganised labour. We considered whether the unions of employees of the Government of India could rightly be included within a Labour Constituency to represent labour in a Provincial Assembly, for the employees of the Government of India must look to the Government of India and presumably to their representatives in the Federal Assembly for the redress of their grievances. But we came to the conclusion that a strike either by Railwaymen or Postmen in Sind would so closely affect the general interests and welfare that it was only reasonable to suppose that the Sind Assembly might desire to discuss such a matter or make what representation it might be lawful for it to make to the Central Authorities, when it is clear that the special labour representative would speak more effectively if he represented the Unions concerned. Moreover, the Trade Union Movement is still weak and it does not appear to us desireable to weaken organised labour by the exclusion of members of these Unions from the Special Constituency. We recommend that there be included in the Labour Constituency all duly registered Trade Unions within the Province, subject to such restrictions as will prevent the formation and inclusion of bogus unions within the constituency and the enrolment of members within a union merely to increase the number of its votes, and that the members of these Unions be enrolled upon the general electoral roll for the Labour Constituency.

56. So far as unorganised labour is concerned, we think that the factories scattered throughout the Province afford a convenient means for the representation of unorganised labour, and that there should be admitted to the electoral roll of the Labour Constituency not only the members of Trade Unions, but all the adult manual workers of a factory in Sind registered under the Factories Act. We think also that all adult manual workers of all industrial concerns of public utility, such as Tramways, Electric Light, and Gas and Water-Works, should be brought within the constituency as well as the adult manual workers of local bodies such as the Port Trust, the Municipalties and Local Boards. We would limit the franchise to adult manual workers only. We would not differentiate between men and women workers, but we would allow only one vote to one man or woman within the constituency, though such man or woman might be entitled to a vote in a double capacity as member of a union and as a manual worker in a factory. We do not think that manual labour in private employment should be brought within the constituency, for, it is obvious, that a constituency of this size would be unmanageable and the representation of labour as such in the Assembly must have an influence, if only indirect, on the conditions of work of manual workers in private employment.

57. We are assured by our colleague co-opted for labour that the constituency we have recommended will not be so large in area or so numerous in its electorate as to be unmanageable, and that a candidate's reputation and personality would soon become known throughout this special constituency. We would allow for the present any person qualified to stand for election in any of the constituencies within the Province to be elected to represent this special constituency.

CHAPTER X.

COMMERCE AND INDUSTRY CONSTITUENCIES.

58. Two seats have been allocated by the Communal Award to the Constituency of Commerce and, although there has been no statutory reservation of any seat to European Commerce, reference to page 129, paragraph 326 of the Report of the Indian Franchise Committee and to the foot-note to the Table of seats shown on page 349 of the Report of the Joint Committee on Indian Constitutional Reform, shows that it is anticipated that one European should be returned in one of the two seats in the Commercial Constituency, and we are satisfied that on the merits of the case, this should be so. It was for this reason that we considered Commerce included for the purpose of our report too special interests, and that it was decided to co-opt two gentlemen, one to represent Indian Commercial interests and one to represent European Commercial interests to assist us in our discussion and conclusions with their experience and advice. After having given the matter our most careful consideration and after having had the advantage of discussion with our two colleagues co-opted for this purpose, we are of the opinion that the interests, predominantly European, represented by the Karachi Chamber of Commerce, are of such magnitude and importance as to require perhaps more in the future than in the past their representation in the Assembly; and this representation can, in our opinion, only be secured by the reservation of one of the two Commerce Constituencies to the Karachi Chamber of Commerce.

59. The two most important Indian Commercial Associations in Karachi are the Karachi Indian Merchants Association and the Karachi Buyers and Shippers' Chamber. The relative importance of the Karachi Chamber of Commerce is illustrated by the fact that it alone has representation in the Bombay Legislative Council, whereas the two other associations have no such representation though they are now represented on the Municipality and other local bodies. It appears to us that we should not, without good reason, deprive a commercial association of great importance and standing of its right of representation in the new Provincial Assembly; and the necessity of such representation is increased rather than diminished by the separation of Sind and the constitution of a new assembly in which the traditions and experience of an association such as the Karachi Chamber of Commerce, accustomed to representation in the Legislative Council, will be of the greatest value.

60. We have had placed before us figures which show the magnitude and importance of the trade interests which the Karachi Chamber of Commerce represents. The total membership of fifty-nine gives no just indication of the importance of this association in the commerce and industry of Karachi, for that membership includes with few exceptions all important Banks; it includes also all of the shipping companies, except one, the railways and many of the most important trading and industrial concerns within the city. It is claimed in their behalf that their members are responsible for the great bulk of the trade in cotton, piece-goods, petroleum, hides, skins and rape-seed. The chief trade of Karachi is in the export of cotton and the import of piece-goods. Moreover, this association though predominantly European does not limit its membership either by rules or by practice to European firms. There are seven Indian member firms and seven partly Indian member firms and we are informed that the Chamber welcomes into its membership Indian firms of reputation and substance which are prepared to abide by its rules and pay its comparatively substantial subscription. Moreover, in its European membership are included Swiss, Japanese, American, French and Dutch firms, so that its interests are in no way limited to the interests of any one country, and represent commerce and industry in their international aspect. The representation of the international aspect of commerce and industry we think here requires emphasis. Such representation can at present only be obtained with certainty from the Karachi Chamber of Commerce.

61. The purpose of a special constituency is to provide for the provincial council not only a spokeman of special interests, but an expert who can advise it. We can at present find no other association in Karachi which is so likely, by reason of its past performance, its experience and traditions and the interests which it represents, to be so well fitted to fulfil this function.

62. It has been suggested to us that European commercial interest will find adequate protection and representation through the two seats reserved for the European community in Sind, for it is said that one at least of these two members will be a merchant. But it is not the function of General Constituencies to provide the experts for special interests. It is not proper to rely upon the representation of the special interests of a special constituency by the accident of representation from other constituencies. This is the opinion of the Indian Franchise Committee, for at page 129, paragraph 320, they say—

> "The suggestion has been made that the General Constituencies can be relied on to return in sufficient numbers members whose experience is such as to enable them to speak with authority on commercial and industrial questions and that special representation for commerce and industry is unnecessary in the new legislatures. We are unable to accept this view."

Moreover, discussions on questions of commerce and industry, being not infrequently concerned with matters of profit and loss, are inclined to be provocative of dispute and disagreement; and we think it undesirable that the members from the European Constituencies who may, by reason of their traditions and experience, be of much value to their Indian colleagues in the work of the new assembly, should be involved in the disputes of commerce and industry. We also understand that it is possible that European and Indian commercial interests may at times conflict and that the chance of a representative of European commerce being returned from a joint commerical electorate of Indians and Europeans is extremely remote; so that on occasions when the interests of European commerce and industry require most an effective representation, there will be none in the assembly to represent them. We think therefore that one seat should be allocated to the Karachi Chamber of Commerce. We regard it as essential to the proper exercise of the franchise that member firms should be allowed to vote through their nominees.

63. We are aware that our proposal that one of the two commercial constituencies shall be allocated to one association, predominantly European, while one seat alone remains for Indian commercial interests will arouse adverse comments in certian quarters. We are satisfied, however, that this proposal is just and equitable and in the best interest of the Province.

64. There remains then one seat for the representation of Indian commerce and industry and it has been suggested that one seat should be reserved for the Karachi Indian Shippers and Buyers' and the Karachi Indian Merchants Association. We see however, no reason why a voice in the representation of the commerce and industry of Sind should be limited either to Karachi or to any two associations in Karachi. On the other hand it is to be remembered that the purpose of this constituency is not to enfranchise every merchant and trader in Sind, but to provide that the interests of commerce and industry are represented through a member competent at once to represent those interests, and to advise the assembly on questions which affect those interests.

65. We think therefore that there should be laid down for the representation of commerce and industry in this constituency some common basis, and we have come to the conclusion that a condition, precedent to the enrolment of any voter in this constituency, should be the payment of income-tax on an income of not less than Rs. 10,000 for any one year in any of the three years previous to the election. This will secure for the representation of this special constituency a substantial basis. Once this condition precedent is satisfied, we would allow upon the electoral roll of this constituency the name of any member of any commercial association whose rules are approved by Government, whether that association be in

Karachi or in the commercial centres of Hyderabad, Sukkur, Larkana, Shikarpur and Rohri. We would also include in this constituency the remaining district headquarter towns. If the member be a firm of any approved commercial association, we would allow such firm to vote by its nominee. To secure the adequate representation of commercial interests outside associations, we would also allow upon the electoral roll subject to the condition precedent aforesaid, the name of any owner of a registered factory under the Factories Act and joint stock company registered under the Companies Act. We would allow the owner of a factory or joint stock company to vote through a nominee. We would not allow a plural vote within this constituency.

66. As we have proposed that the rules of an association in the Indian Commerce Constituency should be approved by Government and that the qualification for entry on the electoral roll should be payment of income-tax on an income of Rs. 10,000 a year in one of the three years previous to the election, so we would propose like qualifications for the Chamber of Commerce Constituency. We would also require a firm or individual entitled to vote in both of the Commerce Constituencies to decide in which one of the two Constituencies, the right to vote is to be exercised.

67. We would call the seat allocated to commercial interests other than those represented by the Karachi Chamber of Commerce the Sind Commerce Constituency, and we are satisfied that the constituency constituted as we have proposed, will not be unmanageable in size.

(Signed) G. DAVIS (CHAIRMAN).
(„) HAJI ABDULLAH HAROON.
(„) ALLAH BAKHSH.
(„) HIRANAND KHEMSING.
(Subject to minute of dissent on Chapter VIII).
(„) G. G. DREWE (SECRETARY).
(„) M. HATIM TYABJI.
(Chapter VII only).
(„) THAKURIBAI LAKHANI.
(Chapter VII only).
(„) JAMSHED NUSSERWANJI.
(Chapter IX only).
(„) B. T. THAKUR.
(Chapter X only, and subject to a minute of dissent).
(„) H. S. BIGG-WITHER.
(Chapter X only, and subject to a qualifying note).

20th July 1935.

APPENDIX I.

List of Constituencies for the Sind Provincial Legislative Assembly.

Serial No.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
1	Karachi City Northern.	General Urban.	Wards Nos. I, II, IV and V of Karachi Municipal District.	1
2	Karachi City Southern.	Do. ...	Wards Nos. III, VI, VII and VIII of Karachi Municipal District and Karachi and Manora Cantonments and the limits of Karachi Port Trust.	1
3	Hyderabad City ...	Do. ...	Wards Nos. II, III, IV, V and VI of Hyderabad Borough Municipality.	1
4	Women ...	Do. ...	Municipal District of Karachi, Cantonments of Karachi and Manora and limits of Karachi Port Trust, Cantonment of Hyderabad, Borough Municipalities of Hyderabad, Sukkur, Shikarpur and Larkana, District Municipalities of Jacobabad, Rohri, Dadu and Mirpurkhas and Notified Area of Nawabshah.	1
5	Karachi district ...	General Rural	Karachi district excluding district Municipality of Karachi and Cantonments of Karachi and Manora and the limits of the Karachi Port Trust.	1
6	Dadu district ...	Do. ..	The district of Dadu ...	1
7	Upper Sind Frontier district.	Do. ...	The district of Upper Sind Frontier.	1
8	Larkana district ...	Do. ...	The district of Larkana ...	1
9	Sukkur Western...	Do. ..	Shikarpur Borough Municipality and taluka and Garhi Yasin taluka.	1
10	Sukkur Central ...	Do. ...	Sukkur Borough Municipality and taluka.	1

Serial No.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
11	Sukkur Eastern ...	General Rural	Rohri, Pano Akil, Ghotki, Mirpur Mathelo and Ubauro talukas.	1
12	Nawabshah Northern.	Do. ...	Kandiaro, Naushahro, Moro and Nawabshah talukas.	1
13	Nawabshah Southern.	Do. ...	Sakrand, Sinjhoro and Shahdadpur talukas.	1
14	Hyderabad suburbs and taluka.	Do. ...	Hyderabad taluka apart from Hyderabad Borough Municipality with Hyderabad Cantonment and Wards Nos. I and VII of Hyderabad Borough Municipality.	1
15	Hyderabad Northern.	Do. ...	Hala, Tando Allahyar and Dero Mohbat talukas.	1
16	Hyderabad Southern.	Do. ...	Badin, Guni and Tando Bago talukas.	1
17	Thar Parkar Western.	Do. ...	Mirpurkhas, Jamesabad, Digri and Sanghar talukas.	1
18	Thar Parkar Northern.	Do ...	Samaro, Umerkot and Khipro talukas.	1
19	Thar Parkar Southern.	Do. ...	Mithi, Diplo, Chachro and Nagar Parkar talukas.	1
20	Karachi City Northern.	Muhammadan Urban.	Ward No. V of Karachi Municipal District.	1
21	Karachi City Southern.	Do. ...	Wards I, II, III, IV, VI, VII and VIII of Karachi Municipal District, the Cantonments of Karachi and Manora and the limits of Karachi Port Trust.	1
22	Women ...	Do. ...	Municipal District of Karachi, the Cantonments of Karachi and Manora and limits of Karachi Port Trust, Cantonment of Hyderabad Borough, Municipalities of Hyderabad, Sukkur, Shikarpur and Larkana and District Municipalities of Jacobabad, Rohri, Mirpurkhas and Dadu and Notified Area of Nawabshah.	1

Serial No.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
23	Karachi Northern.	Muhammadan Rural.	Tatta and Karachi talukas ...	1
24	Karachi Southern.	Do. ...	Mirpur Sakro, Ghorabari and Shahbundar talukas and Keti-bundar Mahal.	1
25	Karachi Eastern...	Do. ...	Jati, Sujawal and Mirpur Bathoro talukas.	1
26	Dadu Northern ...	Do. ...	Mehar and Kakar talukas ...	1
27	Dadu Central ...	Do. ...	Dadu and Johi talukas ...	1
28	Dadu Southern ...	Do. ...	Kotri and Sehwan talukas and Kohistan Mahal.	1
29	Upper Sind Frontier Eastern.	Do. ...	Kandhkot and Kashmor talukas.	1
30	Upper Sind Frontier Central.	Do. ...	Thul taluka and Municipal District of Jacobabad.	1
31	Upper Sind Frontier Western.	Do. ...	Garhi Khairo taluka and Jacobabad taluka, excluding Municipal District of Jacobabad.	1
32	Larkana Northern.	Do. ...	Ratodero and Mirokhan talukas.	1
33	Larkana Eastern.	Do. ...	Larkana taluka	1
34	Larkana Southern.	Do. ...	Labdarya and Warah talukas ...	1
35	Larkana Western.	Do. ...	Kambar and Shahdadkot talukas.	1
36	Sukkur North-Western.	Do. ...	Shikarpur taluka including Borough Municipality of Shikarpur.	1
37	Sukkur South-Western.	Do. ...	Garhi Yasin taluka and Sukkur taluka excluding Borough Municipality of Sukkur.	1
38	Sukkur South-Eastern.	Do. ...	Borough Municipality of Sukkur and Rohri taluka.	1
39	Sukkur Eastern ...	Do. ...	Pano Akil and Ghotki talukas ...	1
40	Sukkur North-Eastern.	Do. ...	Mirpur Mathelo and Ubauro talukas.	1

Serial No.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
41	Nawabshah Northern.	Muhammadan Rural.	Kandiaro taluka	1
42	Nawabshah North-Western.	Do. ..	Naushahro taluka	1
43	Nawabshah Western.	Do. ...	Moro and Sakrand talukas ...	1
44	Nawabshah Southern.	Do. ...	Shahdadpur taluka ...	1
45	Nawabshah Eastern.	Do. ...	Nawabshah and Sinjhoro talukas	1
46	Hyderabad Northern.	Do. ...	Hala taluka	1
47	Hyderabad North-Western.	Do. ...	Hyderabad taluka including Hyderabad Borough Municipality and Cantonment.	1
48	Hyderabad South-Western.	Do. ..	Guni taluka	1
49	Hyderabad Eastern	Do. ...	Tando Allahyar and Dero Mohbat talukas.	1
50	Hyderabad Southern.	Do. ...	Tando Bago and Badin talukas..	1
51	Thar Parkar Western.	Do ...	Mirpurkhas, Jamesabad, Digri and Sanghar talukas.	1
52	Thar Parkar Northern.	Do. ...	Samaro, Umerkot and Khipro talukas.	1
53	Thar Parkar Southern.	Do. ...	Mithi, Diplo, Chachro and Nagar Parkar talukas.	1
54	Karachi Cantonment European Constituency.	European ...	Karachi Cantonment ...	1
55	Sind European Constituency.	Do. ...	The rest of Sind except Karachi Cantonment.	1
56	Upper Sind Jagirdars and Zamindars.	Landholders.	Larkana, Dadu, Sukkur and Upper Sind Frontier districts.	1

Serial No.	Name of Constituency.	Class of Constituency.	Extent of Constituency.	No. of members.
57	Lower Sind Jagirdars and Zamindars.	Landholders .	Karachi, Hyderabad, Thar Parkar and Nawabshah districts.	1
58	Karachi Chamber of Commerce.	Commerce and Industry.	Non-territorial	1
59	Sind Commerce...	Do. ...	Do.	1
60	Sind ...	Labour ...	Do.	1

Summary—

General including one woman	19
Muhammadan including one woman ...	34
Europeans	2
Jagirdars and Zamindars	2
Commerce...	2
Labour	1
Total ...	60

APPENDIX II.

MINUTE OF DISSENT BY DIWAN BAHADUR HIRANAND KHEMSING.

I much regret my inability to agree with my colleagues in the view they have taken of subdividing the Constituency of the Landholders of Sind. The considerations which have mainly weighed with me in favour of single-member Constituencies are that there is less room in them for false personation and corruption than in multi-member Constituencies. These considerations are entirely absent in the Landholders' Constituency. The voters are all zamindars and jagirdars of note and no suggestion has been made that these well-known men are open to corrupt practices. The interest of landholders is one single interest and I am not aware of any conflict between the interests of Upper Sind and Lower Sind Zamindars. Hitherto for over fifteen years, the Constituency of the Landholders of entire Sind has been represented by one member and we have never heard that that representative neglected in any way the interests of Upper Sind Zaminders, though he himself belonged to Lower Sind. If there is any conflict of interests, it is between the Hindu and the Muslim landholders. This conflict will be sharply marked when a Land Alienation Bill is brought forward in the Sind Legislative Assembly. The Hindu landholders, paying an annual Land Revenue of Rs. 1,000 and entitled to vote in this Constituency, are about 30 per cent. of the total number of about 1,500 voters, and of the total land of the Province, the Hindus hold about 40 per cent. They form therefore a very considerable minority of this Constituency and can justly claim that of the two seats reserved for this interest, one should be set aside for them. Just as in the case of Commerce, this Committee has allocated one of the two seats to European Commerce, so that if and when a conflict arises between the interests of European and Indian Commerce, the European Commerce may not be at a disadvantage for want of representation, so in the case of landholders, the Hindu Zamindars could with justice ask that when their vital interests are at stake, there should be a member from amongst them to put forward their case before the Sind Assembly.

My proposal, however, is a very modest one. It asks that the Landholders' Constituency be not split up, and that the two seats should be left in a single Constituency to be contested for by members of the two communities. It will be noticed that in the ranks of non-Muslim land owners, there are a few Parsis and Europeans as well. There will be a chance, a mere chance though, for a Hindu or a Parsi to be elected by the combined vote of non-Muslims. This chance will be utterly lost if the Constituency is separated into two, in both of which the Muslims will be in an overwhelming majority. It is contrary to good policy to create safe seats specially when the electorate is a mixed one. I am sorry that I have not succeeded in persuading my colleagues to agree with me. As I feel very strongly over this question, I have been reluctantly compelled to record this minute of dissent.

APPENDIX III.

MINUTE OF DISSENT BY MR. B. T. THAKUR.

(CHAPTER X.)

COMMERCIAL AND INDUSTRIAL CONSTITUENCIES.

I regret it has not been possible for me to agree with my colleagues on some of their fundamental recommendations relating to the Commercial Constituencies. The chief point of disagreement is the basis of division of the two Constituencies. I regard setting apart of one seat for the Karachi Chamber of Commerce whose membership consists principally of Europeans as a reservation for Europeans Commerce. Delimitation of this nature would not only upset the communal balance as sanctioned by the Premier's Communal Award and the Government of India Bill, but would also be against principles of equity and justice.

The Franchise Committee's Report was published before the Premier's Communal Award. It was studied by the Premier and general public. Any questions requiring communal emphasis were pressed for the Prime Minister's consideration. All points having direct or indirect bearing upon communal questions were taken into account by him when making this Award. Nothing has been said in this Award about the allocation of commercial seats between different communities. The J. P. C. Report which came later in the field has also said nothing on the distribution of commercial seats between various communities with the exception of a small note at the foot of Appendix III, Part I on page 349. This note so far as it relates to the Commercial Constituencies of the Sind Legislative Assembly merely expects that initially one European and one Indian would be returned. This is only an expression of opinion which may come out to be true or not and has no statutory force. It is not anticipated that "one European *should* be returned from one of the two seats", as my colleagues mention in the report. In fact the J. P. C. Report says that the composition of the bodies will not be statutorily fixed.

After the J. P. C. Report, came the Government of India Bill. Nothing is said in this Bill about the statutory allotment of one seat to Europeans. It is therefore not possible for me to reconcile myself with the view often alleged that the authors of the Reforms or the Bill had in their mind that one seat should necessarily be provided for a European. If they had any such idea, or any intention of reserving a seat for any particular Chamber whose membership was mostly confined to one particular community, they would have made it clear either in the J. P. C. Report or in the Bill itself particularly when they have not hesitated to provide for the allocation of three non-provincial seats for commerce in the Federal Assembly to certain commercial bodies (*vide* foot-note page 346, J. P. C. Report).

My colleagues, while admitting that the Karachi Chamber of Commerce is predominantly European, feel that this allocation can be justified on several other grounds. Their arguments are mainly based on anticipations of the authors of reforms, uncertainty of adequate commercial representation through the general European constituencies, commercial magnitude, past

privilege and performance of the Karachi Chamber of Commerce, possibility of clash between European and Indian commercial interests and impossibility of return of a European through the Commercial Constituencies in any other way.

I have already explained how there is nothing in the Communal Award or J. P. C. Report or Government of India Bill which could be taken as a sanction for the reservation of a seat for European merchants. It is suggested in the report that the membership of this Chamber is not restricted to Europeans. That may be true in a theoretical sense, but it cannot be denied that in practice no one, but a British European would be returned. Out of the total membership of 59, 10 are foreigners who have no right of vote, according to the Government of India Bill and the Rules of the Chamber. There are 7 Indians, but they are members of other Chambers of Commerce as well. In all probability, they would decide to come on the electoral roll for the Indian Commercial Constituency and therefore they would have no voice in the legislative election of this Chamber. There are four public bodies on the Chamber's register, namely, Karachi Port Trust, Karachi Municipality, North-Western Railway and J.-B. Railway. Excepting perhaps the last, the other three would have no right of vote, because of their being Government or semi-Government bodies and also because of their not being liable to income-tax. The voting membership of the Chamber would thus be reduced to 38, out of which there would be 7 partly British and partly Indian and 31 British members. Incidentally it may be remarked that the Imperial Bank of India and North-Western Railway are being considered by the Chamber as British as distinct from British Indian, but there does not appear to be any reason why they should not be classified as Indian. These bodies are eligible for membership of Indian Chambers of Commerce.

There is no doubt that on the estimated basis of effective voting membership of 38, a European would be invariably returned. Because partly British and partly Indian members would have no chance of being ever returned, this constituency would be a pocket borough of about 30 British European voters. This view is also confirmed by the fact that during the last quarter of a century or so, no non-European has ever been returned by this Chamber to the Karachi Port Trust or Karachi Municipality. In the Bombay Legislative Council, no Indian member of the Chamber has been ever returned.

Coming to the question of magnitude of commercial importance, it must be borne in mind that the commerce of this Province does not merely consist of maritime trade. It also embraces internal trade, industry, finance, insurance and so on. Maritime trade in its turn consists of foreign trade and coasting trade. There is no doubt that when these figures are taken into account, the preponderance of Indian commercial interest would be undeniable. The whole of the coasting trade amounting to about Rs. 16½ crores, with the exception of import of minerals and lubricating oils, is mostly, if not entirely, in the hands of Indians. Out of the foreign trade amounting to about Rs. 32 crores, a very large portion is in the hands of foreigners who have no right to vote. Indian interest in this class of trade is also considerable. The whole of the internal trade is in the hands of Indians. Even in finance it is not only the business of Joint Stock Banks that should be taken into account. There are indigenous bankers or Indian Shroffs who are

responsible for financing most of the internal trade. Indian share in insurance business is also large. Taking all these facts into account, the portion of trade in the hands of European members of the Karachi Chamber of Commerce entitled to vote is much less than that in the hands of British Indians.

In the note supplied by the Chairman of Karachi Chamber of Commerce to the Committee giving figures of the trade handled by his members, details are not given as to how they have been arrived at. The figures also include the business of foreign firms who have no right to vote. But for the purpose of legislative representation, we have not to give any value to the business of those who are not enfranchised. Viewed from this angle, the figures supplied by the Chamber grossly exaggerate its value. They are not indicative of the true interests of its voting members. And in as much as my colleagues have formed their opinion on these figures, they seem to have missed the issue.

In the report my colleagues mention that the chief trade of Karachi consists of export of cotton and import of piece-goods. I agree with their this view. It will therefore be sufficient if importance of the British European members of the Karachi Chamber in these two trades is discussed. According to the published statement of the Karachi Cotton Association Ltd., 15,35,000 cotton bales were exported during the year 1933-34. This is also confirmed by the Report of the Collector of Customs, Karachi. On pages 32-33 of Cotton Associations Annual for the same year are given the Cotton export figures of all the firms engaged in this trade. If this statement is re-grouped according to the nationality of the exporters, the result would be as under :—

Shipped by	Bales (1,000).	Percentage of total.
British European firms ...	·404	26
Foreign firms	649	43
British Indian firms... ...	482	31
Total ...	1,535	100

It is clear that the cotton export trade in the hands of Indians is more than in the hands of British Europeans.

The report on the maritime trade of the Province of Sind for the official year 1934-35, gives figures of imports of piece-goods both cotton and woollen. The total imports for the year 1934-35, amounted to roughly Rs. 9½ crores out of which Rs. 5½ crores were from foreign countries and Rs. 4 crores from Indian ports. The latter business represents Indian manufactures and their trade is mostly in the hands of Indians. With regard to foreign imports of piece-goods, we must deduct the business in the hands of foreigners and Indians. Imports from Japan, which are principally handled by Japanese firms, are very substantial. The value of foreign piece-goods handled by British Europeans is expected to be not more than Rs. 3½ crores. This is roughly 35 per cent. of the total and less than the share of Indians.

If to the above results we add the fact that pre-shipment business in raw cotton and the distribution of imported piece-goods is mostly in the hands of Indians, the great preponderance of Indians in these two lines becomes undeniable.

My colleagues have stressed the present privilege of the Karachi Chamber of Commerce in the matter of legislative respresentation. At the present moment, there is perhaps some justification for this, because Europeans in Sind have no separate respresentation in the Bombay Legislative Council. The position would, however, be materially changed under the new reforms because two seats are reserved for Europeans of this Province in the Sind Assembly. When these seats were allotted by the Communal Award, they were not merely given on the basis of population, because on that ground they would not be entitled to so much representation, but all circumstances connected with the European life and activities in this Province, including commercial importance were taken into account. The discussions at the Round Table Conference also disclose that the European community always advanced the importance of its vested interests as a claim for more than proportionate legislative representation. The candidates returning from the general European consituencies would therefore give adequate protection to the British European Commercial interests. This is also otherwise evident because a substantial portion of the European population is engaged in mercantile pursuits and Government officials are not entitled to stand for election. The chances of the return of European merchants from the general constituencies are therefore very large.

That the present privileged position of certain Chambers of Commerce was not only assailed, but even not conceded statutory recognition by the Franchise Committee, is evident from paragraph 323 of their Report where they suggest examination of re-arrangement and re-distribution of commercial and industrial constituencies at the stage of delimitation of constituencies generally.

My colleagues say that it is not the function of general constituency to provide experts for special interests. That may be so where the proportion of voting population engaged in special interests to the totality of the voters of their general constituency is small. But in the case of European general coustituencies, the special and general interests are more or less co-existent and co-extensive. The opinion of the Franchise Committee to which my colleagues refer would also be inapplicable in the present case, because the difference between the interests of European mercantile community and the interests of the general European Constituencies is very thin indeed and would disappear in actual practice.

If still some doubt is felt about the certainty of representation of British mercantile interests through the general European Constituencies, a method can be easily found to insure it. The Franchise Committee recommend that in the general electoral roll, distinction should be made between rural and urban interests. This distinction does not exist in the case of European, but on the same analogy their interests can be divided between commercial and non-commercial. If the general two seats were distributed on this basis, the danger of European trade interests going by default, though in reality non-existent or small, could be absolutely safeguarded.

I do not wish to say anything on the quality of past performance of the Karachi Chamber of Commerce, excepting that the records and discussion of the Bombay Legislative Assembly tell a different tale. I strongly disassociate myself from the opinion of my colleagues that they "can at present find no other association in Karachi which is so likely by reason of its past performance, its experience and traditions and the interests which it represents, to be so well fitted to fulfil this function." In recommending the claims of the Karachi Chamber of Commerce for a special seat, my colleagues have unfortunately expressed an opinion for which there is little or no material; nor is there any justification for belittling the importance and achievements of other commercial associations. The Karachi Indian Merchants Association and the Buyers and Shippers' Chamber have been doing very creditable work on the local bodies on which they have been given representation. This work is indicative of their possibilities in the legislature and warrants a conclusion to be drawn that their performance in this respect will not be inferior if not superior, to that of any other commercial body. Their members, although standing on individual tickets for the Legislative Council and Legislative Assembly, have done creditable work both from the point of view of their general constituencies as well as from the special points of mercantile interests. The capacity of one such member has been so well-rated that he was found fit to be deputed on behalf of Indian to the Ottawa Conference to discuss the intricate problems of trade agreements and Imperial preference. The associative bodies function through their members and reflect the efficiency and competency of their members; and if the latter have proved their worth as individuals, there is no doubt that if they were returned on the Chamber tickets, they would prove equally worthy.

My colleagues also allude to the possibility of conflict between European and Indian commercial interests. There is justification for anticipating political disagreement between different communities and different races, but in the realm of commerce the dispute would not be on communal or racial grounds, but would only relate to difference in economic views or possibilities. On several economic questions, some sections of European and Indian merchants join hands together against the other sections. Occasions for such opposite mixed alliances are bound to increase in the future. In as much as balance of political power has been given adequate weightage in the allocation of general seats, no political consideration should intervene in the distribution of commercial representations. The only basis of division of these special constituencies should be territorial or functional, but never communal or political.

The international aspect of the trade of the Karachi Chamber or Commerce has been emphasised by my colleagues in the report, so much so that even the fact of membership of non-British foreign firms has been stressed. I should have no objection to the allotment of the seats between the overseas and internal trades, but when on the ground of international trade monopoly is sought to be created for British-European section of that trade, the division loses its economic aspect and assumes racial colour. The fact of membership of foreign firms like Japanese or Dutch, Swiss, American and so on, deserves no consideration not only because as non-British firms they have no right of vote in the elections, but also because in these days of quotas and imperial preferences, cleavage of interests between the British

and non-British sections is daily becoming more pronounced. It is obvious that when the question of raising tariffs on the ground of imperial preference is for Legislative discussion, foreign members of the Chamber would be entirely opposed to any such action. The interests of such members of the Karachi Chamber in this respect are identical with those members of Indian Chambers who are engaged in non-British foreign trade.

I strongly feel that the division of the commercial constituencies should not be made on the basis recommended in the report. If territorial basis for allocation is considered undesirable on the ground that there is affinity of interest in commerce regardless of its location, there are so many other lines of economic division which could be suitably adopted without giving communal or racial aspect to the constituencies. It could also be arranged in such a distribution that the chances of the return of mercantile interests of any community are not unduly large or disproportionately small. For example, if the division is made on the basis of big trade and medium trade or of foreign trade and internal trade and qualification of large payment of income-tax is imposed in the first section of the two divisions, there would be a very fair chance for the return of a European. If the industrial section of commercial constituencies is attached to the Karachi Chamber of Commerce, the communal or racial position would not be so pronounced and there would also be a very fair chance for a European to come in. There is considerable effinity between the Industry of this Province which mainly consists of cotton ginning and pressing, and the Karachi Chamber of Commerce.

Looking to the totality of circumstances, I consider the reservation of one seat for the Karachi Chamber of Commerce not only as a violation of the Premier's Communal Award, but also against the principle of proportion and equity. The least that could be suggested to remove this disequilibrium would be to group the Industries of the Province with the Karachi Chamber of Commerce instead with the proposed Sind Commerce Constituency.

If there had been statutory reservation for European Commerce, I would not have the slightest objection to the arrangement now proposed by my colleagues, but in the absence of any such sanction, I feel that ear-marking a seat for Karachi Chamber of Commerce is uncalled for and is highly prejudicial to the other commercial interests. The two proposed constituencies are greatly disproportionate not only in regard to the magnitude of their operations, but also according to the range and diversity of their activities. In the case of the Karachi Chamber, the predominant element is sea-borne trade of British Europeans with the British Empire. In the other constituency there will be represented the Indian section of such sea-borne trade, the other foreign trade in the hands of Indians, the whole of the internal trade and the industries of the province. There is also tremendous territorial disparity. In the case of the Karachi Chamber, all the voters are located in Karachi whereas in the other the electorate would be spread all over the Province. There is also great discrepancy in the size of their respective electoral rolls.

Coming to the recommendations relating to the Sind Commerce Constituency, I agree in main whith the recommendation of my colleagues, subject, of course, to the views expressed above. The points on which I disagree with them are in connection with the qualification of assessable income of Rs. 10,000 for voters. India is not the land of very large concen-

trations of business or enterprise. Most of the important Indian trading concerns are of medium size, but that should not debar them from exercising their voice in the election of the commercial representative. Take the case of Satnarain Piece-goods Association. The members of this body collectivelly handle most of the textile trade of the City of Karachi. In fact, it is through its members that this business percolates into the interior. If a large income is prescribed as one of the basis for voting, most of its members would be disfranchised. The Association's voice in the election would be very feeble, though the value of commercial importance of all of its members taken as a whole is very large. I, therefore, propose that the income qualification should be lowered to Rs. 5,000.

If however, it is decided that this amount should remain uncharged at Rs. 10,000, then I suggest that at least in the case of candidates standing for election, it should be lowered to Rs. 5,000. Competency and intellectual capacity to correctly represent mercantile interests and policies is not always associated with big business and hence this reduction is imperatively necessary.

There is also one other important point in connection with taxable income and membership of commercial bodies. Generally firms and not their individuals partners are members of Chambers of Commerce. But for the purpose of income-tax, the firms register their partnership deeds with income-tax authorities and each of the partners is separately assessed to tax. If the income qualification refers to the assessable tax of the members of Chambers of Commerce, there would be no voters or perhaps very few voters in the Sind Commerce Constituency, because most of the members being firms are not assessed to tax as such, but only through their partners. And partners not being members of Chambers in their name even if their income may otherwise come up to the qualification would not be entitled to vote. There is no question of evasion of income-tax. To remove this anamoly in the recommendation of my colleagues, it is necessary that the income of firms which are members of commercial bodies should be interpreted as collective assessable income of their respective partners.

APPENDIX IV.

The Karachi Chamber of Commerce, Karachi.

QUALIFYING MINUTE BY MR. H. S. BIGG-WITHER.

Commerce Constituencies.

I agree that the electoral roll of these constituencies should include only voters of definite standing and that an income-tax qualification is a simple and efficient way of achieving this object. I consider, however, that in view of the fact that the economic depression, which has already lasted over 5 years and is still very little abated in India, has reduced the profits and therefore also the income-tax payments of some of the oldest established and most respected firms in India, both European and Indian, to nil for several years past, it is necessary to amend somewhat the qualification suggested in the Report.

I consider that the payment by a Firm's or Company's employees of income-tax on salaries (received from the Firm or Company) aggregating Rs. 10,000 yearly is just as good a criterion of the Firm's or Company's standing and just as meritorious in every way as the payment of tax on the Firm's or Company's own account. Such payments of income-tax on employees' salaries should, therefore, rank *pari passu* with payment on the employer's profits in conferring eligibility on the employer to vote in these commercial constituencies.

There should be no difficulty in ascertaining the amount of salaries on which tax is paid because every employer is compelled, under the Income-Tax Act, to deduct tax from those salaries at the time of paying them and to render an account thereof to the Income-Tax Collector.

APPENDIX V.

List of Representations Received.

1. Three articles in the *Sind Observer* by Sir Ghulam Hussein Hidayatallah, K.C.S.I.
2. Three articles in the *Daily Gazette*.
3. Representation from Sir Ghulam Hussein Hidayatallah and others.
4. Representation from Ghulam Mustafa and others.
5. Representation from Mir Ghulam Ali Khan.
6. Representation from Mir Bundali Khan.
7. Representation from Sayyed Miran Muhammad Shah.
8. Representation from Sayyed A. M. Rashdi.
9. Representation from K. B. M. A. Khuhro.
10. Further representation from K. B. M. A. Khuhro.
11. Further representation from K. B. M. A. Khuhro.
12. Representation from N. M. Sayyed.
13. Representation from Sayyed Mahmud Shah.
14. Representation from Muhammad Saleh and others.
15. Representation from Mr. Bhojsing G. Pahlajani.
16. Representation from D. B. Murlidhar J. Panjabi.
17. Representation from Mr. Arjandas Motwani.
18. Representation from Mr. Mangharam Lalchand.
19. Representation from Mr. S. S. Tolani.
20. Representation from Mr. Mangharam Ramrakhiomal and others.
21. Representation from Mr. Partabrai Khushaldas.
22. Representation from Seth Udhawdas Thawerdas, President, Thar Parkar, Hindu Panchayat.
23. Representation from Mr. Motiram Waljiram.
24. Representation from Mir Bundah Ali Khan Talpur.
25. Representation from Mukhi Gobindram Pritamdas, Mukhi, Sind Hindu Panchayat.
26. Representation from Mr. Tikamdas Wadhumal, President, Sind Hindu Association.
27. Representation from Mr. Gobindam Pritamdas, Mukhi, Sind Hindu Panchayat.

28. Representation from Dr. K. Tarabai, Standing Committee Member, All India Women's Conference, Sind Constituency.

29. Representation from the Commission Agents' Association.

30. Representation from the Karachi Sat Narayan Indian Piece-Goods Merchants' Association.

31. Representation from Sind Work Merchants' Association.

32. Representation from Karachi Indian Merchants' Association.

33. Representation from Mukhi Gobindram Pritamdas, President, Shroff Association, Hyderabad (Sind).

34. Representation from the Buyers and Shippers' Chamber, Karachi.

35. Representation from the Karachi Chamber of Commerce.

36. Representation by Mr. H. S. Bigg-Wither, President, Karachi Chamber of Commerce.

37. Further representation by Mr. H. S. Bigg-Wither, President, Karachi Chamber of Commerce.

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FINANCIAL ASPECTS

OF

THE SEPARATION OF SIND

FROM THE BOMBAY PRESIDENCY.

BY

H. L. CHABLANI, M. A.

ECONOMICS DEPARTMENT, DELHI UNIVERSITY.

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THE SEPARATION OF SIND FROM THE BOMBAY PRESIDENCY.

(I) The difficulties of small Provinces.

The proposal to separate Sind from the Bombay Presidency has been discussed from various points of view both in the press and on the platform. But there is a general feeling even among those who support the proposal from other points of view that the financial aspect of the question needs to be carefully examined. Several friends who have read my contribution to the press on the subject have asked for a more detailed examination of the question ; some in the opposite camp have even questioned, in private circles, the data for the conclusions I have arrived at. The matter is necessarily technical and cannot therefore interest the ordinary reader of newspapers. I have ventured on that account to issue this pamphlet in the hope that it may prove of some help to those who are anxious to have in an easily accessible form the necessary material for forming their own conclusions.

Let me at the very outset place a few general considerations before the public. A small province is by itself a very serious handicap in the race for progress. India is a poor country, much poorer than many states of Europe ; modern governmental machinery is necessarily complicated and costly ; the demands for funds for beneficient services and economic development is insistent and urgent in a backward country like India. It follows, therefore, that more our Government spends on the general adminstration of the country, the less is left for nation-building activities of the state. The level of taxation is admitted both by officials and non-officials to be already too high : but even if it were otherwise, the country is in no mood to tolerate increased taxation except expressly for nation-building departments.

Apart from taxation, the only means of developing a province and so increasing the material well-being of its people is to raise development loans. The smaller the province, the smaller will be its revenue ; the smaller the security on which a province can borrow, the higher will be the rate of interest it will have to pay. The smaller the province, the less varied in their economic characteristics will be its various parts, the more fluctuating will be its total revenues, the less certain will be the security it can offer for its loans, the less insurance it will have against risk of failure for its development schemes and higher therefore will be the rate of interest it will have to pay. Already the market rate of interest to-day is much higher than the pre-war rate ; and there is not much hope for economic development unless the rate of interest falls appreciably.

On these grounds alone, the general proposal to increase the number of provinces by redistributing them on linguistic basis, or the particular application of the principle to an *undeveloped* part of the country like Sind is, to say the least, extremely unwise.

The financial history of the various provinces since the reforms greatly strengthens this general conclusion. The Meston award increased the normal income of provinces from 54 crores ro 76½ crores and transferred to the provinces the responsibility of only 4 crores of Imperial expenditure. The percentage of increase of revenue allotted to each of the provinces works out as follows :—

Province	Normal Income	Increased income due to Reforms	Per cent increase.
Madras	8.8 (crores)	5.8 (crores)	66%
United P.	7.8 „	4.0 „	51%
Punjab	5.8 „	2.9 „	50%
Burma	6.1 „	2.5 „	41%
Bengal	7.1 „	1.0 „	14%
Bombay	10.2 „	0.9 „	9%
Bihar & Orissa	3.3 „	0.5 „	15%
Central Provinces	3.2 „	0.5 „	16%
Assam	1.5 „	0.4 „	27%

Since 1919 there has been a further increase of taxation in several provinces, especially in Bombay. Where has all this increased spending power gone ? Not much has gone to nation-building departments ; every minister complains that he is handicapped for want of funds ; every patriotic councillor feels that the Reforms are a failure on the nation-building side. The moral is obvious : the general administration of the reformed provinces in proving too costly for major provinces. What hope is there, then, for small provinces with all the paraphernalia of the reformed constitutions ; especially for separate Sind with its higher wages and higher cost of living ?

ii A Deficit Province.

Let me now invite the attention of the public to a few facts regarding the financial position of Sind as part of the Bombay Presidency. Sind has been a deficit province practically all along since 1843. In 1843 its expenditure exceeded its revenues by 67 lakhs; in 1914-15 by over 13 lakhs; in 1919-20 by over 30 lakhs; in 1921-22 by 40 lakhs; in 1924-25 by 41 lakhs. The figures under various heads of revenue and expenditure for the years 1910-20 were supplied to the Bombay Council at its July session of 1922 by the Finance Department of the Government of Bombay in reply to a question by Khan Bahadur S. V. Bhutto and are printed as Appendix A in this brochure for convenience of reference. Again on the 7th of March 1925, the Hon'ble Mr. H. S. Lawrence in reply to an interpellation by Mr. R. G. Pradhan (Nasik District) stated that "For the vear 1921-22, Provincial Receipts in Sind amounted to Rs. 210.5 lakhs and provincial expenditure to Rs. 250 lakhs." The figures for the years 1922-23, 1923-24 and 1924-25 were given by the Hon'ble Sir Chunilal Mehta in reply to an interpellation by Mr. R. G. Paradhan on the 4th of August 1926 in the form of the following table:—

Year	Ordinary Revenue	Ordinary Expenditure
1922-23	195.0 (Lakhs)	209.0 (Lakhs.)
1923-24	192.0 ,,	202.0 ,,
1824-25	180.7 ,,	221.5 ,,

These figures show that in the two years preceding the Reforms, the average deficit was 26 lakhs a year, and that in the four years 1921 to 1924 the average deficit was 26.07 lakhs a year. These figures *do not include interest charges* on the capital spent on irrigation works, as was clearly stated by the Hon'ble Mr. H. S. Lawrence in reply to an interpellation by Rao Saheb D. P. Desai (Karia District) on the 24th of Feburary 1923. They do not include any share of the Famine Insurance Grant, or of the expense on the General Administration of the Presidency as a whole (other that on the Commissioner in Sind's office) or on the Legislative Council or the Heads of the various departments for the Presidency as a whole, for while compiling the statement given in Appendix A, the Finance Department of the Government of Bombay was not drawing up a separate budget for Sind but only giving a comparative idea of the expenditure on Sind as a Division of the Presidency. Even a superficial examination of the figures in Appendix A will show that 1.2 to 2.3 lakhs shown under General Administration for Sind could not possibly have included any fair share of 52.7 to 84.5 lakhs a year spent on the General Administration of the Presidency as a whole during the years 1910-1919.

It has been often suggested by the advocates of separation of Sind that these figures are cooked up—an unwarranted reflection upon men like Sir Henry Lawrence and Sir Chunilal Mehta. The sceptics' doubts are partly due to the fact that the figures for Land Revenue given in Appendix A do not tally with the figures given in the Revenue Administration Report, and the figures of income from irrigation appear ridiculously small as compared to expenditure. The explanation is easy to give. Before the Reforms of 1919, Land Revenue was a '*divided* head' *and so the figures of land revenue given in Appendix A represent only the share of the Land Revenue from Sind, accruing to the Bombay Government. Irrigation too was a 'divided head'; and *land revenue credited to irrigation* was shown under land revenue and not under irrigation.

If the sceptics are not satisfied with this explanation, let them come out with their figures and indicate the unimpeachable source

* Shared between the central and Provincial Governments.

of their information. It is unfair for responsible publicists to dismiss the official figures given to the Bombay Council as untrue without stating their grounds for so serious an allegation and coming out with their so-called correct figures."

(III) Five Items other than Increased Expenditure on Administration.

We may now attempt a rough estimate of the amount that will have to be raised by Sind in case it is separated from the Bombay Presidency. In the first place, we shall have to cover the deficit of 26 lakhs a year on an average. In the second place, we shall have to find the ten lakhs which are paid by Bombay towards the interest on the Sukkur Barrage out of the Famine Insurance Grant. In the third place, we shall have to pay our share of the interest and sinking fund on the public debt of Bombay. The last needs a more detailed notice.

The separation of Sind from the Bombay Presidency is on a par with the disolution of a business firm. When partners in a business firm divide their assets and debts, the only equitable basis of division is the *income yielding capacity* of their various assets. The interest on the *outstanding* capital outlay on *irrigation works in Bombay for whieh capital accounts are kept* is estimated at 55.46 lakhs in the budget for 1927-28, excluding the interest charges for the Lloyd Barrage. What is the *incme* against this recurring charge? According to the latest available statistics (1924-5), "the receipts on capital irrigation works compared with the year's working expenses show a profit of Rs. 39,25,261 and Rs. 13,37,392, *in Sind* and the Deccan and Gujrat respectively. If, however, interest charges on works in operation are taken into account, the result shows a *profit* of Rs. 24,25, 717 for Sind and a *loss* of Rs. 6,20, 756 for the Deccan and Gujrat." (Para 3 of the Administration Report). Even if no allowance is made for the fact that there is a net recurring loss on the capital sunk in the Deccan and Gujrat, any fair minded arbitrator will debit Sind at the dissolution of partnership with $\frac{3}{4}$ of the total interest charges, for the simple reason that its income from irrigation

assets that will be handed over to its Government will be three times that of the Deccan and Gujrat. In other words, the interest charges on this account for a separate province of Sind will amount Rs. *40.8 lakhs a year.*

But supposing we adopt the actual capital out-lay on Sind irrigation as the basis of division, what will, then, be Sind's share of the interest charges? In 1920, when irrigation was handed over to the provincial governments, the Government of India transferred to the Bombay Government 8.9 crores of capital cost of irrigation. As stated by Sir Henry Lawrence in the Bombay Council on the 22nd February 1926, the Bombay Government is now paying annually 32.79 lakhs of rupees as interest on this capital. As most of the irrigation works in Bombay are located in the Deccan and Sind and as over two-thirds of the total expenditure on irrigation is on Sind (vide page 139 'Bombay 1925-26'), it is fair to assume that at least one-third of these 3.279 lakhs will be debited to Sind, in case it is separated from the Bombay Presidency. That this is clearly an under-estimate is proved by the fact that the total sum at charge of the irrigation works (included in statement II c of the statistical statements for irrigation works in Sind for the year 1924-5) that came into operation before even 1904 amounts to 3.91 crores. In addition to this, as His Excellency the Governor of Bombay informed a Sind Deputation headed by Sir Montagu Webb on the 5th of August 1922, "of the total irrigation capital expenditure in the Presidency, Sind has had 304 lakhs and the rest of the Presidency 709 lakhs " *from 1916 to the end of 1921.* A part of this was probably met from general revenues and the famine insurance fund; but Sind, having been all along a deficit province, cannot in equity refuse to give credit to Bombay for capital expenditure financial out of the revenues of the rest of the Presidency at the time of separation. Calculating interest at only 5½%, *this will mean 16½ lakhs interest charges on the 3 crores sunk in Sind.† From 1921 to date, the total capital outlay on irrigation

*The official figure is 5,683 %

†It should be noted that the annual interest on the sum-at-charge of only those irrigation works which are included in statement II c of administration report, amounts to 15.07 lakhs a year upto the end of the year 1924-25, excluding, of course, the interest on the Sukkur Barrage.

works for which accounts are kept(excluding the Lloyd Barrage) amounts to 275 lakhs, for which interest charges reckoned at 5.683 p. cent are estimated at 15.86 lakhs in the Budget for the current year (Vide page 63 of the Explanatory memorandum to the Budget for 1927-28). Assuming one-third as the fair share of Sind, this will add another five lakhs to the annual interest charges. Even on thi basis, then, the total interest charges on capital outlay for irrigation works in Sind amount to 32.6 lakhs a year, excluding the Sukkur Barrage.

Besides this capital outlay on *irrigation*, the Bombay Government spent out of *borrowed funds* during the three years ending February 1924, sixty lakhs on Public Buildings such as courts and revenue offices, twenty six lakhs on Development of commercial Departments such as Forests and Excise, thirty six lakhs on Housing of public officers, chiefly Police Lines, and 108 lakhs on miscellaneous items. (Vide Mr. P. R, Cadell's budget speech on the 19th February 1924). At the end of the Financial year 1925-26, the the total *debt* for these *other* purposes (mostly civil works) stood at 336 lakhs according to Sir Henry Lawrence's statement in the Bombay Council (Vide Paras 10 and 11 of his budget speech on the 22nd of February 1926). Assuming Sind's share of this expenditure to be only one-fourth, this means another 4.7 lakhs of interest charges at the rate of 5.683%, the rate adopted as the basis of official estimates in recent years. The total of interest charges alone (excluding interest on Barrage capital) thus come up to 37 lakhs a a year.

In addition to all this, Sind will have to make some provision for Reduction or Avoidance of Debt for 3.95 crores of irrigation debt and 84 lakhs of loans for other purposes, excluding the pre-Reform debt which not to be redeemed and the outlay on the Sukkur Barrage which has been left out of calculation so far. Assuming 60 year's* basis in the case of the first and 30 years* basis in the case of the second, this will add another 8.9 lakhs to the debt charges of a

* The repayment schemes submitted by the Bombay Government to the Government of India are on 60 years and and 30 years' basis respectively Vide Explanatory memorandum to the Budget for 1927-28 pa$_6$ 76.

seperate province of Sind, excluding the interest on the Sukkur Barrage. The total for debts charge will thus amount to *46 lahhs a year, excluding* 10 *lakhs to be paid interest on the Llyod Barrage.*

Fourthly, we shall have to pay something to the Central Government, as every province that has gained in spending power owing to the complete transfer of Land Revenue and irrigation to the Provincial Governments since 1920 has had to do. The Bombay Government contributes to the Central Government 56 lakhs annually; Sind will have to pay about one-fourth of this as its contribution to the Central Government. If these Provincial contributions were wiped out to-day, it is unlikely that Bombay will spend less than one-fifth of this on Sind out of its increased spending power; so that whe ther the provincial contributions are wiped out or not, Sind will lose by separation 11 to 14 lakhs a year. Further, under the financial arrangements after the Reforms, it is obligatory on the Provinces to provid a grant for Famine Insurance. Bombay sets apart as much as 36 lakhs a year for this purpose; of this ten lakhs are spent towards interest on the Lloyd Barrage. Putting the Famine Insurance Grant for Sind at $\frac{1}{4}$th of the remaining 53 lakhs, this will mean over 13 lakhs' additional expenditure for Sind.

Apart, therefore, from the additional expenditure on a separate administration, Sind will have to find over a crore of rupees for the items discussed above, as can be easily seen at a glance at the following table:—

1. Average deficit 1921-22 to 1924-25	26.07 lakhs
2. Famine insurance grant applied to interest on the Sukkur Barrage.	10.00 lakhs
3. Share of interest and sinking Fund on Public Debt (excluded from the figures of expenditure under 1.)	

a. $\frac{1}{3}$ of 32.79 lakhs due to the Government of India on 8.9 crores, the capital on irrigation works handed over in 1920.	10.9 lakhs.
b. Interest on 3 crores spent by the Bombay Government on Sind irrigation till 1921 at 5½%	16½ lakhs.
c. $\frac{1}{3}$ of 15.86 lakhs, the interest on 279 lakhs borrowed for irrigation works from 1921 to date	5 lakhs.
d. Interest on $\frac{1}{4}$ of 3.36 crores borrowed during 1922-25 for other purposes at 5.633%	4.7 lakhs.
e. Repayment of (b) and (c) in 60 years and (d) in 30 years (omitting share of loss on Development Scheme)	8.9 lakhs.
4. Provision for Famine Insurance, (because this is excluded from the figures of expenditure given in Appendix A)—$\frac{1}{4}$ of 53 lakhs (the amount provided for the whole presidency minus 10 lakhs paid as interest towards the Sukkur Barrage)	13 lakhs.
5. Contributions to the Central Government (so long as these are not remitted.)—$\frac{1}{4}$ of 56 lakhs	14 lakhs
Total of these	109.7 lakhs.
Allowance for any margin of error	9.7
	100 lakhs

This leaves out of account altogether the share of loss on the capital of 13 crores invested in housing and development of Bombay City, that Sind is bound to be asked to pay. The interest and sinking fund on this loss has been estimated at 27½ lakhs a year in the budget for 1627-28 (Vide page 38 of the Explanatory memorandum) As a partner in the firm of the Bombay Presidency, Sind cannot claim the gains without sharing the losses; it cannot have the excess of income over expenditure on its *productive* irrigation works without sharing the losses of unsuccessful ventures to which the Legislative Council members from Sind were as much a party as the members from the Deccan or Gujarat

Further, these calculations ignore altogether the possibility of failure of the Sukkur Barrage or even the likelihood of its actual expenditur exeeding the estimated receipts. According to the estimates upto 1957 there will be no surplus revenue from the Lloyd Barrage. But it is an open secret that the estimates are based upon too rosy expectations. The trend of wages alone shows the unreliability of the estimates. Between 1913 and 1925 the rate of wages of field labourer in the rural areas of Sind has gone up from 8 as to Rs. 1-1-9 per day ; inspite of *falling* prices during 1924-25, the daily average wage of the field labourer has risen from 0-15-9 to 1-1-9 per day, and that of the skilled labourer has jumped up from Rs. 1-13-9 to Rs. 2-1-0 per day. The ever-growing demand for labour in Sind will further accentuate the situation ; and nothing seems more probable than that the Barrage will not pay its way for a long time to come. How will a province with a revenue of about 160 lakhs to 200 lakhs a year provide for the interest charges on the Barrage ranging from 9 lakhs in the first year to 187 lakhs in the last during the long, long period that must elapse before it becomes a paying proposition ? Will interest upon interest be allowed to accumulate till there is no way left but to repudiate the public debt. Let the separationists face the issue fairly and squarely; we have had enough of airy talk.

IV Increased Expenditure on Administration.

We may now proceed to estimate the minimum *additional* cost of a separate *administration* for a Governor's province in Sind. Taking the various budget heads of Bombay, the following appear to me to be the minimum additional amounts necessary under each head :—

1	General Administration (Heads of province Viz. the Governor, his household Allowance, and his tour expenses ; the Executive Councillors and Ministers etc. etc ; Legislative bodies ; Secretariat and Head quarters establisment) ...	15,04,200
2	Land Revenue, Survey and Settlement, and Land Records etc. ...	3,29,085

3	Excise (Superintendence only)	...	40,500
4	Stamps (Superintendence only)	...	54,170
5	Forest (General direction only)	...	42,200
6	Justice	...	2,87,000
7	Jails (Superintendence only)	...	58,506
8	Police (Superintendence, Training School, Superintendence C. I. D)	...	1,38,400
9	Education (Direction, special education, and contribution to the Bombay University only)	...	2,92,300
10	Medical (Superintendence, and contribution to the Medical College, Bombay only)	...	1,04,000
11	Public Health (Direction, and contribution to vaccine and Pasteur Institutes only)	...	4,51,980
12	Agriculture (Superintendence, Research and propaganda, Development, Veterinary instruction and Co-operative Department)	...	3,63,476
13	Industries (Direction, Superintendence, Education, Development etc only)	...	70,693
14	Labour Office	...	34,000
15	Miscellaneous Departments (Commissioner under the workman's compensation Act, Examinations, additional expenditure on Government printing press)	...	1,46,000
			39,16,510

The details under each of these heads, the expenditure in Bombay on each of the items taken into consideration, and the basis of my calculations are all indicated clearly in Appendix B with a view to facilitate public discussion of each of the items. I may, however, state in general terms the method followed by me. I start with the figures given in the latest budget of the Bombay Presidency 1927-28 as the basis of calculation; but have made every allowance for a possibe lower scale of salaries or reduction in the number of highly paid posts. For instance, the salaries of the Governor and the Executive Councillors are estimated at the Assam rate of salaries, which is the lowest in India; the number of

the Executive Councillors has been reduced to two, that of the Ministers to *one*, and that of the Legislative Councillors for Sind to 53. I have reduced the number of secretaries, assistant secretaries and deputy secretaries in the various Departments of Government to two in the Finance and Revenue Departments, and to one in the rest, decreased the salaries of Secretaries from Rs. 3000 to 2000 only, omitted altogether several items e. g. Publicity Officer, the Secretariat Record Office, and provided for only *one* superior Officer for Land Revenue, Land Records, Excise, Stamps, Forests, Jails, Police, Education, Medical, Public Health, and Agriculture Departments. As regards the strength of the various establishments, I have estimated the expenditure generally at 1/3rd of the present expenditure in Bombay, but in some cases where it appears to me possible to economise, I have provided for for only ¼ the expense in Bombay. At present, there are four divisions in the Bombay Presidency; but under separation, the expenditure on the establishment for direction and supervision will be much more than one fourth, for there is economy in union. You cannot divide a superintendent or a clerk into four parts and say that ¼ of the Superintendent will do for you. I have therefore considered it fair to assume that the expenditure on most of the establishments will be at least ⅓ of the present expenditure in Bombay. But even if one fourth is considered sufficient, that will make a difference of only 3 to 4 lakhs in the total.

Thus in addition to the 1 crore required for the items referred to in section III, we need at least 39 lakhs more for the bare needs of a separate administration. But what about the dreams of " better health, better education, better roads and better amenities" which the separationists have promised us as the necessary result of separation. Will a Minister secure all these for us without having additional funds to spend ? Or will some Allaudin's lamp work the miracle ?

V Conclusion.

One of the stock arguments of the Separationists is that "Sind is not a small place; it is big enough to become a province"*. A few figures will suffice to bring home to the reader the real smallness of Sind as a separate province. Even in area, it is smaller than Assam, the smallest of our Governor's provinces; its area being 46,506 square miles as against 63,510 square miles of Assam. It has a population of only 32.79 lakhs, while Assam has 79.9 lakhs population; it includes only 5,107 villages against 30,957 villages in Assam. In point of population, some of the districts in Bengal are larger than Sind, Mymensingh alone having a population of 48.37 Lakhs souls. It is easily one of the most thinly populated parts of India, the average number of houses per square mile in Sind, being only 14. In point of financial resources, Sind is far weaker than Assam. Excise yields in Sind less than 35 Lakhs a year; while Assam secured from this source alone as much as 72 lakhs in 1926-27; Forests in Assam produce an income of 30 lakhs (budget estimate for 1926-27); while the gross revenue from forests in Sind was only 6.87 lakhs in 1924-25, 7.43 lakhs in 1925-26, and 6.83 lakhs a year on the average during the quinquennium 1920-21 to 1924-25) †. Land Revenue in Sind is in no sense comparable to Land Revenue in Assam, the one is mostly a charge for irrigational facilities, to provide which costs a lot of money, the other is land tax, pure and simple. Of the total Land Revenue of 1.27 crores in Sind for the year 1924-25, as much as 86.25 lakhs was *land revenue due* to *operation of canals* and was therefore credited to irrigation Account. (Vide Statement IV C Bombay Administration Report for 1924-25 Part II Irrigation works). Comparing like with like, Sind had, therefore, a land revenue of only 41 lakhs in 1924-25 as against a land revenue of 1 crore and 5 lakhs in Assam during the same year. The net profit from irrigation in Sind *including land revenue credited to irrigation was* 15.98

* See page 2 Jamshed N. R. Mehta's brochure on separation of Sind.

† See Chapter V. Annual Forest Administration Report, Bombay for the year 1925-26.

lakhs in 1924-25, so that putting irrigation and land revenue together Sind had an income of 57 lakhs as against 105 lakhs revenue in Assam.

Our scale of expenditure, on the other hand, is much higher than that of Assam or any other province in India. The expenditure in Bombay on such items as education, medical relief, agriculture, irrigation and the like is at least 3½ times what is spent in Bengal*. As the Finance Member pointed out in his budget speech of the 4th March 1924, the expenditure on education in Bombay rose by 160% during the ten years 1913-23 and "we spend on education three times on the average per head as any other province in India, and a far larger percentage of that expenditure is being spent on primary education than in any other part of India." The average cost in 1921-22 of educating a pupil in a primary school in Bengal was Rs. 4-1 only, but in Bombay in the same year it was over Rs. 18. Taking the figures of 1921-22, the cost of Primary education alone works out as 1 anna 6 pies per head of population in Bengal and as a little more than 10 annas per head in Bombay. The *total* expenditure on Education(*Primary Secondary and University*) in Assam was 25.68 lakhs in 1926-27 ; divided by 79.96 lakhs of population, this works out as 5 as. 1 pie per head. The figures in Appendix I will show that *even in 1919-20*, the Bombay Govenmernt expenditure on education in Sind was more than 6 ans. per head of population, excluding the expenditure on the University and professional Colleges and excluding also the fair share of direction charges for the Presidency as a whole. In 1921-22, the minimum salary of a Vernacular teacher was only Rs. 10 in Bengal as against Rs. 19 in Sind. In Secondary education, Bombay spent Rs 68.1 per pupil against Rs. 30.3 in Bengal in the year 1921-22.

* Vide 256 Budget Debate 24th February 1926.

The total expenditure on Police in Assam was in 1926-27, only 22.69 lakhs for a population of 79.9 lakhs ; the expenditure in Sind in the same year was 36.61 lakhs for a population of 32.69 lakhs. (Vide page 128 civil Budget Estimates Bombay, Preliminary Issue 1927-28). In other words, Assam spends on Police only 4 as. 6 pies per head of the population as against Re. 1-1-10 pies spent by Bombay on Sind. The average cost per policeman in Bombay was, in the year 1924-25, Rs. 559 in the Bombay Presidency as against Rs. 482 in Assam (Vide pages 39 'Bombay-1925-26'). Even this amount is insufficient for protection of life and property in Sind, as will be easily seen by a glance at the following figures taken from the Police Report of the Bombay Presidency 1925-26 :—

		Incidence per 1000 of population.	
		Assam	Sind.
1	Murder and Attempts at murder and culpable Homicide	.022	.112
2	Dacoities	.005	.013
3	Robberies	.004	.044
4	House breaking with intent to commit an offence etc.	.513	.847
5	Thefts including cattle thefts	.467	1.469
6	Receiving stolen property	.055	.12

The expenditure in other departments of administration is also on a much higer scale in Sind and Bombay, for two general causes operate every where to push up expenditure. The average daily wage of the field labour and skilled worker is much higher in Sind than any where else in India; so also is the cost of living at Karachi and Bombay. Even the educated middle-class employees, of which there is such an over-supply, get a much higher salary in Sind than anywhere else in India. It is impossible, therefore, to decrease the cost of administration in Sind to the Assam level.

It must not be forgotten that Sind as well as Bombay is much more heavily taxed than any other parts of India especially Assam

and Bengal. In the year 1922-23, provincial taxation (comprising Land-Revenue, Excise, Stamps, Irrigation, scheduled Taxes and the surplus of income tax granted to the provincial governments) was Rs. 6-1 per head in Bombay, Rs. 5 in Burma, Rs. 3.2 in Madras, Rs. 2-5 in the Punjab, Rs. 2.3 in Assam, Rs. 2.2 in U. P., Rs. 1.9 in Bengal, and *Rs. 6 per head in Sind.* In 1921, the incidence of *provincial* taxes was Rs. 6.5 per head in Sind against Rs. 2.2 in Assam. Excluding Customs, Salt and Opium, the Bombay Presidency including Sind contributed to the central government Rs. 5.173 per *capita* in 1922; but in the same year Assam contributed to the Imperial exchequer only Rs. *3.18* per head of the population. Madras escaped lightly with Rs. 1.155 per head, U. P. with Rs. .758 per head, Bengal with .701, Burma with Rs. 1.659 per capita.* If we include Customs, the contribution of the Bombay Presidency including Sind works out as Rs. 14-11-5 per capita, † Add to this the burden of Municipal and local taxation which stands at amuch higher level in the Bombay Presidency than any where else in India, the incidence per head being as high as Rs. 16 in Karachi and Rs. 23 in Bombay City, and one will have a rough idea of the existing burden of our taxation.

In the face of these figures, it is obviously unreasonable to suggest that Sindhis should pay taxes as heavily as Bombay but receive in return as low a scale of expenditure on beneficent services as Assam; and yet that is the only meaning of the suggestion that we should cut down our expenditure to the Assam level while retaining the present revenue from Sind. It is equally difficult to contend with any show of reason that there is room for further taxation in Sind. The rural areas in Sind contribute very little to Excise; while the cities are already over-drunk, Karachi and Hyderabad having the unenviable distinction of heading the list in India in their figures of per capita consumption. Forests are a paltry source of income, not worth mentionsing. The irrigation income from the

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* The representation of the Bombay Government to the Central Government dated March 14th, 1925.

† See Findlay Shirra's speech on the budget debate February 23rd, 1923.

Sukkur Barrage including increased land-rent is already mortgaged at least upto 1957. There remain only land and trade to tax. Trade is practically confined to four or five cities; of these, Sukkur and Karachi depend for their prosperity more upon their transit trade than their local requirements. Any heavy taxation of our trading centres will kill trade and force it to shift to more lightly taxed centres, as Bombay has now found out to its cost. This leaves only land to tap for there are no industries worth mentioning in Sind. Let the separationists who talk so lightheartedly of separating Sind from Bombay attempt to convince the Sind zamindars that their lands are capable of bearing the Atlantean load of further taxation to the tune of a crore and thirty nine lakhs; and they will know what treatment they deserve at their hands. Let not the Zamindars, Hindu or Moslem, live in a sense of false security; the Sukkur Barrage estimates are based upon the assumption of increased land-rent even from a portion of the existing cultivable land; Death duties are contemplated in the near future to make up for the gradual extinction of Excise, involved in the generally accepted policy of prohibition; the Taxation Enquiry Committee has already pointed out that it is illogical to apply to land revenue from Sind the principle of long-term settlement and limitation of increase at settlements and made the ominous proposal that the land tax in Sind should be revised at fairly frequent intervals with reference to the cost of rendering the service of supplying water and the value of the same; on the top of this all, comes the strange proposal of separating Sind, which might only mean additional taxation of Zamindars. Evidently, the glory of ruling over the Hindus of Sind is supposed to be a sufficient compensation to the Muslim zamindars for the loss of their hard-earned bread. Heaven protect the Sind Zamindar from his friends' gospel of Separation!

NOTE.—In Assam, the average incidence per capita of Municipal taxation is only Rs. 2-14-0.

APPENDIX A.

Statement showing Provincial Revenues in Sindh for the ten years ending 1919-20.

(figures in Lakhs.)

Major Heads.	1910-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	Total.
Land Revenue	76.4	79.0	73.3	85.6	76.1	82.3	92.9	74.6	62.0	81.3	783.5
Stamps	4.3	4.8	5.1	5.1	4.8	5.1	5.5	6.2	9.1	9.5	59.5
Excise	17.5	20.5	21.3	21 4	21.1	22.4	23.1	27.2	30.6	35.0	240.1
Income-Tax	2.1	2.2	2.5	2.9	2.7	3.2	4.9	7.8	13.1	15.8	57.2
Forests	3.6	4.1	4.5	4.2	3.8	3.7	4.4	6.5	8.6	7.4	50.8
Registration	.5	1.1	1.2	1.1	1.0	1.1	1.2	1.3	2.0	1.9	12.4
Interest	1.6	1.6	1.6	1.5	1.4	1.5	1.4	1.0	0.7	1.1	13.6
Law and Justice—Courts of Law...	1.0	1.1	1.2	1.3	1.4	1.5	1.5	1.4	2.1	1.9	14.4
Law & Justice—Jails ...	.3	.3	.6	.6	.7	.7	.4	1.0	.7	.7	6.0
Police	.3	.3	.3	.5	.4	.6	.7	.2	.2	.2	3.7
Ports & Pilotage	...	...	...	...	...	.2	.4	.6	.4	.4	2.0

Education ...	...	.5	.6	.6	.6	.8	.5	.6	.5	.5	.6	5.8
Medical ...	...	.2	.2	.2	.2	.2	.2	.3	.3	.3	.3	2.4
Sanitation ...	...	...	...	...	...	...	...	...	...	...	...	...	...
Agriculture ...	...	...	...	...	...	...	.1	.2	.4	.3	.7	1.7
Scientific & Misl. Depts	...	.1	.1	.1	.2	.1	...	...	.1	.1	.1	.9
Receipts in aid of Superannuation etc., ...	...	.5	.5	.5	.6	.5	.7	.8	.7	.9	.8	6.5
Stationery & Printing	...	.1	.1	.1	.2	.2	.3	.3	.2	.5	.3	2.3
Miscellaneous ...	...	.1	...	.1	...	...	...	...	.4	.1	.5	1.2
Irrigation-Major Works	...	.9	.8	.8	1.0	.8	.9	1.1	1.1	.8	1.1	9.3
Irrigation-Minor Works and Navigation ...	...	.8	.8	.7	.8	.8	.7	.8	.9	.7	.7	7.7
Civil Works ...	...	.3	.3	.4	.4	.4	.4	.3	.4	.7	.7	4.3
Total	...	111.1	118.4	115.1	128.2	117.2	126.1	140.8	133.0	134.4	161.0	12,85.3

APPENDIX AA.

Statement showing Provincial Expenditure in Sindh for the Ten years ending 1919-20.

(figures in Lakhs.)

Major Heads.	1910-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	Total
Refunds & Drawbacks ...	1.1	...	.3	.8	1.5	1.5	1.9	2.1	5.4	6.6	21.2
Assignments & Compensations ...	12.9	12.7	12.9	13.0	13.1	17.0	18.9	24.9	25.5	24.9	175.8
Land Revenue.	15.2	16.1	16.2	20.2	20.7	19.7	20.1	19.7	22.7	25.6	196.2
Stamps	.2	.2	.3	.2	.3	.3	.3	.4	.4	.3	2.9
Excise	1.5	1.7	1.8	1.8	1.7	1.6	1.6	1.5	2.3	2.1	17.6
Income-tax	...	...	...	.1	.1	.1	.1	.1	.3	.5	1.3
Forests	1.8	2.0	2.1	2.2	2.2	2.1	2.2	2.5	2.6	2.8	22.5
Registration	.4	.5	.5	.5	.4	.4	.4	.4	.6	.7	4.8
General Administration ...	1.3	1.3	1.5	1.3	1.5	1.3	1.2	1.5	2.0	2.3	15.2
Law & Justice (Courts of Law) ...	8.6	8.8	9.3	6.6	6.5	6.8	6.8	6.8	7.3	8.0	75.5
Law & Justice (Jails) ...	2.8	2.8	3.1	3.2	3.4	2.3	3.2	3.3	4.7	6.4	35.2
Police	17.6	19.1	20.1	19.4	20.8	21.8	22.2	22.2	24.7	28.3	216.2

Ports and Pilotage	.3	.1	.1	.2	.4	.2	.3	.3	.3	.3	2.5
Education	7.2	7.3	8.9	9.6	11.9	11.2	10.3	11.6	18.2	18.3	114.5
Medical	2.4	2.5	3.3	3.1	3.2	2.9	3.6	2.3	2.5	4.6	30.4
Sanitation	...	...	...	...	...	...	...	1.5	.9	4.5	6.9
Political	...	.1	.6	.1	...	...	...	...	.2	.1	1.1
Agriculture	...	...	...	...	...	1.3	1.4	1.5	3.3	2.4	9.9
Scientific & Misl. Depts ...	.7	.6	1.3	1.8	1.5	.1	.1	.1	.4	.8	7.4
Superannuation Allowances and Pensions	3.5	3.7	3.9	4.5	4.8	4.6	5.0	5.0	2.6	5.4	43.0
Stationery and Printing ...	.8	.8	1.1	.9	1.0	1.0	.8	.8	1.0	1.0	9.2
Miscellaneous	.1	.3	.2	.2	.3	.3	.2	.4	.6	1.0	3.6
Famine Relief (Public Works) ...	...	...	...	...	...	...	...	...	...	...	...
Major Works (Irrigation) ...	5.4	5.5	6.4	6.3	5.1	5.2	5.2	6.1	6.3	7.1	58.6
Irrigation (Minor Works and Navigation)	13.2	12.2	12.6	14.1	12.5	12.3	9.9	12.1	13.6	17.9	130.4
Civil Works	9.0	10.6	16.7	14.9	17.7	12.0	10.5	12.3	10.0	19.3	133.0
Total ...	106.0	108.9	123.2	125.0	130.6	126.0	126.2	139.4	158.4	191.2	13,34.9

APPENDIX—B

I General Adminsration.	**PresentExpenditure in Bombay.**	**Estimated Expenditure for Sind.**
i Governor and His Staff etc.	Rs.	Rs.
Salary of the Governor	1,20,000	Taking the Assam figure =66,000
Sumptuary Allowance of the Governor ...	28,000	Estimating it at $\frac{2}{3}$rd =19,000
Staff and Household of the Governor (vide Detailed Account 22 A (a) of the Budget for 1927-28) ...	5,97,000	,, ,, ,, †=4,00,000
Expenditure from Contract Allowance ...	1,00,000	=1,00,000
Tour expenses (Detailed Account) 22 A (b) ...	80,000	Estemating it at $\frac{1}{4}$th* =20,000

† This is really an under-estiamate. A careful examination of the detailed Account 22 A (*a*) of the Bombay Budget will show that no reduction is really possible except in the number of ordinary clerks.

* This too is an under-estimate, Sind being about 2/5th of the whole Presidency in area.

APPENDIX B—*contd.*

		Rs.		Rs.
ii Executive Council (Detailed Accouut) 22 A (c)				
Salary of members	...	4 at 5,333⅓ each =	2,56,000	Assuming two at the Assam salary, 42,000 each ‡ =	84,000
Allowances and Honoraria	...		17,000	Estimating at ½ =	8,500
iii Ministers.					
Salary of Ministers	...	3 at 4,000 p/m each =	1,44,000	Assuming 1 at 3000 ‡ =	36,000
Allowances and Honararia	...		13,000	Estimating at ⅓rd =	4,000
iv Legislative Bodies (Detailed Account 22 B (a))				Total for i, ii, & iii =	**7,37,500**
President (3000) and Deputy President (500) for 6 Months			39,000	Assuming Presidents' salary at 2000 p/m =	29,000
Establishment	...	8 Superintendents and reporters at 300-450 =	35,100	Assuming 6 =	26,225
		3 Clerks and 11 Servants =	8,184	Same =	8,184

‡ This is too low a scale of salaries for Sind. The Executive councillors and Ministers should have higher salaries than the Commissioner-in-Sind (3,500 + 500.)

	Present expenditure in Bombay.	Rs.	Estimated Expenditure for Sind.	Rs.
Contingencies and Office expenses ...		8,700	Same	=8,700
Allowances, Honoraria etc. ...		1,02,172	Estimating at ¼	25,000
Election of Provincial Legislature ...	Every year	12,000	Estimating at ½	=6,000
	Every third year	1,33,000	,, ,, yearly	=20,000
			Total of iv	**1,23,109**
v Secretariat and Head-Quarters Establishments.				
Home Department (detailed Account 22 C).	Pay of Officers.			
	1 Secretary (3000), 1 Deputy Secretary (1150-2500 + 200) 2 Asst. Secretaries (650-950)	= 83,120	Assuming 1 Secretary at 2,000	=24,000
	Pay of Establishment	1,84,067	Estimating at ⅓rd	=60,000
	Allowances and Honoraria	25,258	,, ,, ,,	=8,000
	Contingencies	19,000	,, ,, ½	=9,500
			Total	1,01,500

		Rs.		Rs.
Political Department. (*Detailed Account 22 C (a)*)	Pay of Officers.			
	1 Secretary (3000) and 1 Assistant Secretary (650-950)	= 57,210	Assuming 1 Secretary at 2000	= 24,000
	Establishment	1,10,225	Estimating at $\frac{1}{3}$rd	= 37,000
	Allowances & Honoraria	8,784	Estimating at $\frac{1}{3}$rd	= 2,900
	Contingencies	7,040	,, ,, $\frac{1}{2}$	= 3,500
			Total	= 67,400
Finance Department, (*Detailed Account C (a)*)	Pay of Officers.			
	1 Secretary (3000), 1 Deputy Secretary (1150-2550+200), 1 additional Deputy Secretary (1150—2550), 2 Assistant Secretaries, 1 Officer on Special duty (1750)	= 1,32,230	Assuming 1 Secretary (2000) and 1 Deputy Secretary (1500)	= 42,000

APPENDIX B—*contd.*

Revenue Department
(Detailed Account 22 C (a))

Present Expenditure in Bombay.	Rs.	Estimated Expenditure for Sind.	Rs.
Establishment	1,49,718	Estimating at 1/3rd	=50,000
Allowances & Honoraria	21,210	,, ,, ,,	=7,000
Contingencies	10,000	,, ,, ½	=5,000
		Total	1,04,000
Pay of officers.			
1 Secretary (3000), 1 Deputy Secretary (1000-2250 + 200), 2 Asst. Secretaries (650-950) =	82,100	1 Secretary at 2000 and 1 Asstt. Secretary at 700	=32,400
Establishment	1,78,129	Estimating at 1/3rd	=60,000
Allowances & Honoraria	13,206	,, ,, ,,	=4,000
Contingencies	12,000	,, ,, ½	=6,000
		Total	1,02,400

APPENDIX B—*contd.*

		Rs.		Rs.
General Department	Pay of officers.			
	1 Secretary (3000), 1 Deputy Secretary (1150-2500 + 200), 1 Under Secretary (1200), 1 Assistant Secretary (650-950)	= 67,240	1 Secretary at 2000 and 1 Asstt. Secretary at 700	= 32,400
	Establishment	1,91,158	Estimating at 1/3rd	= 60,000
	Allowances & Honoraria	15,276	,, ,, ,,	= 5,000
	Contingencies	9,244	,, ,, ½	= 4,500
			Total	1,01,900
Legal Department (Detailed Account 22 c (a)	Pay of Officers			
	1 Secy. and Legal Remembrancer (3000), 1 Deputy Secretary to the legislative council (1150-2500+200), 1 Assistant Secretary (750-800)	= 77,920	1 Secretary at 2000, and 1 Deputy Secretary at 1200	= 38,400

	Present expenditure in Bombay.		Estimated Expenditure for Sind	
		Rs.		Rs.
	Establishment	73,767	Estimating at $\frac{1}{3}$rd	24,000
	Contingencies	0,480	Estimating at $\frac{1}{2}$	3,000
	Allowances & Honoraria	= 17,397	Estimating at $\frac{1}{3}$	6000
			Total	71,400
Separate Department ...		89,000	Omitted	
Publicity Officer and Translators' Department ...		1,49,000	,,	
Secretariat Record Office ...		21,000	,,	
Local Fund Audit Establishment ...		2,25000	,,	

Commissioner of Settlements and Inspector General of Registration.	Pay of Officers Rs.	Rs.
	1 Commissioner (3000) and 1 Superintendent (350) = 40,830	1 Commissioner at 1,500 = 18,000
	Establishment = 9,986	Etimating at $\frac{1}{3}$ = 3,000
	Allowances and Honoraria = 5,580	,, at $\frac{1}{3}$ = 1,800
	Contingencies = 1,900	,, at $\frac{1}{2}$ = 9,00
		Total 23,700
General Administration—Miscellaneous	Presents and Charities by H. E. the Governor = 25,000	Estimating at 15,000
		Total of V = 5,87,300
		Total of all the 5 items under General Administration Rs. 14,47,909
		Rounding 14,50,000

APPENDIX B—*contd.*

II Land Revenue (*Reserved*)	Present expenditure in Bombay.	Estimated Expenditure for Sind.
(A) Charges of Administration.		
	Pay of officers Rs.	Rs.
General Establishments (Detailed Account No. 5-A.)	1 Collector (2,250), 1 Deputy Collector) 300-1200 ... 33,625	Assuming 1 Collector at 2000 plus Passage Pay ... 25,000
	Establishment ... 45,149	Estimating at $\frac{1}{3}$ ... 15,000
	Allowances & Honoraria ... 10,532	,, at $\frac{1}{4}$ ... 2,500
	Contingencies ... 6,14,585 *	,, at $\frac{1}{3}$ of 4,14,585 ... 1,38,000
		Total ... 1,8,0500

* Includes 2 lakhs for damages in the Kolaba Khoti Appeals.

APPENDIX B—*contd.*

(B) Survey and Settlement,
(Vide Detailed Account 5.B)

Cost of Cadastral Maps.

	Rs.		Rs.
Pay of officers			
1 Manager (1200), 1 Assistant Manager (750-850), 1 Temporary Assistant Manager (300-450), 2 Candidates for Assistant Managers-ship	=27,285	1 Manager at 1,200 + Leave Salary	... 15,900
Establishment	=76,530	Estimating at $\frac{1}{3}$	... 25,000
Allowances & Honoraria	= 9,000	,, at $\frac{1}{3}$	... 3,000
Contingencies	=20,185	,, at $\frac{1}{3}$	... 6,700
		Total	... 50,600

APPENDIX B—*contd.*

	Present expenditure in Bombay.	Estimeted Expenditure for Sind.
(C) Land Records. (Detailed Account No. 5 C)		
Superintendence.	Pay of officers	
	4 Superintendents (300-1200) ... 47,000	1 Superintendent ... 12,000
	Establishment ... 1,05127	Estimating at $\frac{1}{3}$ ... 35,000
	Allowances & Honoraria ... 25,566	,, at $\frac{1}{3}$ ... 8,500
	Contingencies ... 18,647	,, at $\frac{1}{3}$ ... 6,000
City Land Records	Pay of Officers, Establishment, Allowances etc., contingencies ... 1,86,000	Estimating at $\frac{1}{5}$ * ... 37,000
		Total ... 98,500

* Sind has fewer cities than the Presidency.

		Rs.	Rs.
(D) Assignments and Compensations		14,50,000	Omitted
(E) Charges on account of Incumbered Estates.		24,000	Omitted because already included in the figures given in Appendix A.
(F) Expenditure in England		32,000	Omitted
			Total of items A,B,C, under Land—Revenue (Reserved) = 3,29,600
III Excise.			
Superintendence only (Vide Detailed Account No. 6A).	Pay of officers—		
	1 Commissioner (3500) and 1 Personal Assistant (1500) = 61,950		1 Commissioner at 2000 = 24,000
	Establishment	38,838	Estimating at $\frac{1}{3}$ = 12,000
	Allowances and Honoraria	9,664	,, at $\frac{1}{3}$ = 3,000
	Contingencies	4,779	,, at $\frac{1}{3}$ = 1,500
			Total 40,500

APPENDIX B—*contd.*

	Present expenditure in Bombay.		Estimated Expenditure for Sind.	
IV. Stamps.				
Superintendence (Vide detailed Account 7 A).				
	Pay of officers.	Rs.		Rs.
	1 Asst. Superintendent (600-750)	= 10,170	Same	= 10,170
	Establishment	95,310	Estimating at $\frac{1}{3}$rd	= 30,000
	Allowances and Honoraria etc	7,932	,, ,, $\frac{1}{2}$	= 4,000
	Contingencies	32,892	,, ,, $\frac{1}{3}$rd	= 10,000
			Total	**54,170**
V *Forests.*				
General Direction (Vide detailed Account 8 A).	Pay of officers.			
	1 Chief conservator (2500-2750), 1 officer (250-750)	= 34,120	1 Chief conservator at	24,500
	Establishment	14,200	Estimating at $\frac{1}{3}$rd	= 4,700
	Allowances and Honoraria	37,923	,, ,, $\frac{1}{3}$	= 12,000
	Contingencies	3,155	,, ,, $\frac{1}{3}$rd	= 1,000
			Total	**42,200**

		Rs.	Rs.
VI *Justice.*			
i Addtional cost involved in raising the Judicial Commissioner's Court to a High Court ...	Bombay High Court	10,90,000	Estimating at half and deducting Rs. 3,16,000 provided for the Judicial Commissioner's Court, the additional expenditure 2,29,000
ii Increase in the emoluments of the Law Officers at the Head Quarters (Vide detailed Account 24 B). ...	Amount budgetted	1,61,000	Assuming 1 Advocate General at 2000 and 1 Government Solicitor (3000) and deducting Rs. 9000 provided for Sind, and reducing the balance by 100% to make allowance for possible retrenchment the additional expenditure = 38,000
iii Administrator General and Official Trustee ...	Amount budgetted	41,000	Estimating at ½ = 20,000
			Total **2,87,000**

APPENEIX B—*contd.*

	Present expenditure in Bombay.		Estimated Expenditure for Sind.	
		Rs.		Rs.
VII *Jails.* Superintendence only (Vide Detailed Account 25 A) ...	Pay of officers. Inspector General (2400-2450)	= 33,506	Same	33,506
	Establishment	21,147	Estimating at $\frac{1}{3}$	= 7,000
	Settlement officer, criminal Tribes (2150-2200)	= 27,812	„ salary at 1500	= 18,000
			Total	**58,506**
VIII *Police* i Superintendence	Pay of officers. 1 Inspector General (3,000), and 1 Personal Assistant (1,100)		Assuming 1 Inspector General at 2,500 and 1 Personal Assistanf at 1,000, and abolishing the post of Deputy Inspector General in Sind (1,750-100-2,150) the additional expenditure	= 17,400
ii Police Training School (Vide Detaild Account 26 D)	Amount budgetted	1,18,000	Estimated at	1,00,000

		Rs.	Rs.
iii Criminal Investigatian Department ...	Salary Provided for a Deputy Inspector General	25,800	Estimating at 1750 = 21,000
			Total additional expenditure 1,38,000
IX Education.	1. Education Reserved (Detailed Account 31 D) Reformatory School, Yeravda	50,000	Contribution to, estimated at $\frac{1}{5}$ = 10,000
	Inspection European Schools	30,000	Estimated at 20,000
	2. Education Transferred 1. University Government Expenditure on University Education	19,34,000	1. Contribution to Bombay Government Arts College, The Royal Institute of Science, Training College for Secondary Teachers, Sydenham College of Commerce estimated at 2,00,000
	2. Secondary Education. School of Art Bombay	1,46,000	2. Contribution to 5,000.
	3. Primary. (Detailed Account 31 E)		

	Present expenditure in Bombay.	Rs.	Estimated Expenditure for Sind.	Rs.
	Direction			
	Pay of Officers :—		Pay of Officers :—	
	Director (3000) and Deputy Director (1550–1750) 3 Superintendents (650-800)	=88,359	1 Director at 2000	= 24,000
			1 Superintendent	= 9,000
	Pay of Establishment	54,923	Estimating at $\frac{1}{3}$	= 18,000
	Allowances and Honoraria	11,393	„ at $\frac{1}{3}$	= 3,800
	Contingencies	7,657	„ at $\frac{1}{3}$	= 2,500
				57,300.
			Total under Education	**2,92,300**
X *Medical.*				
i *Superintendence.*	1 Surgeon General 3,000, 1 Personal Asstt. 1300	=50,649	Same	=50,000
	Establishment	42,849	Estimating at $\frac{1}{3}$	=14,000
	Allowances, Hon. etc.	7,773	Estimating at $\frac{1}{4}$	= 2,000
	Contingencies	6,225	Estimating at $\frac{1}{3}$	= 2,000
				68,00
ii *Grant Medical College.*	Budgetted amount	3,64,385	Contribution	36,000
			Total under Medical.	**1,04,000**

XI *Public Health.*

	Rs.		Rs.
i Directors' Establishment and Contingencies ...			
Pay of Officer.			
1 Director (2,400)		1 Director	2,400
5 Asstt. Directors of Public Heath (800-1200) = 96,880		1 Assist. (900)	= 39,600
Pay of Establishments	1,31,197	Estimating at $\frac{1}{3}$	= 44,000
Allowances, Honoraria, etc.	51,460	,, at $\frac{1}{3}$	= 17,000
Contingencies	63,623	,, at $\frac{1}{3}$	= 21 000
			1,21,600
ii Vaccine Institute. Belgaum Vaccine Institute = 95,000		Contribution Estimated at $\frac{1}{5}$	= 19,000
iii Sanitary Engineer and his Staff.			
Pay of Officers.			
1 Sanitary Engineer (2,150), 3 Executive Engineers, and 7 Asstt. Engineer, 2 Assistants to Boring Engineer = 1,37140		1 Sanitary Engineer 2 Asstt. Engineers	= 25,800 = 16,080

Present expenditure in Bombay.	Rs.	**Estimated Expenditure for Sind**	Rs.
Pay of Establishment	1,51,092	Estimating at $\frac{1}{3}$ =	50,000
Allowances, Honoraria etc.	47,816	,, at $\frac{1}{3}$ =	15,000
Contingencies	19,000	,, at $\frac{1}{3}$ =	6,000
			1,52,880
iv Consulting Surveyor to Govt.			
Pay of Officers			
1 Consulting Surveyor (2200)		1 Consulting Surveyor (2200)	= 26,400
1 Asstt. ,, ,, (1050)			
1 Deputy ,, ,, (675)		1 Deputy Consulting Surveyor (675)	= 8,100
2 Asstt. to Consulting Surveyor (400-450)	= 68,246		
Pay of Establishment	57,431	Estimating at $\frac{1}{3}$	= 19,000

		Rs.		Rs.
	Allowance, Honoraria etc.	20,204	Estimating at $\frac{1}{3}$	= 6,000
	Contingencies	10,551	,, at $\frac{1}{3}$	= 3,000
	v Contribution to Haffkine Institute, Bombay	4,24,000	at $\frac{1}{4}$	= 1,06,000,
			Total Public Health	**4,21,980**
XII Agriculture. *detailed Acctt. 34-A & B.*	Pay of Officers			
i. Superintendence	Director (2000-2250), Personal Asstt. (350-550)	= 32,845	Same.	30,000
	Pay of Establishments	43,883	Estimating at $\frac{1}{3}$	= 14,000
	Allowances & Honoraria	11,650	,, at $\frac{1}{3}$	= 3,000
	Contingencies	6,270	,, at $\frac{1}{3}$	= 2,000
				49,000

	Present Expenditure in Bombay.	Rs.	Estimated Expenditure for Sind.	Rs.
ii. Agriculture Research and Propaganda.				
	6 Deputy Directors	49,470		Nil
	1 Live Stock Expert	10,500		10,500
	1 Botanist	16,750		16,750
	1 Agricultural Engineer	12,000		12,000
	1 Soil Physicist	5,050		5,050
	1 Horticalturist	7,000		7,000
	1 Plant Pathologist	4,320		4,320
	1 Agrictural Chemist	9,000		9,000
	3 Divisional Supdt. of Agriculture	10,420	1 Div. Supdt.	3,440
	1 Crop Botanist	6,360		6,360.
	5 Cotton Breeders	20,480	1 Cotton Breeder	4,096
	2 Cotton Suptd.	8,720	1 „ Suptd.	4,360
	1 Asstt. Agrictural Engineer	3,940		
	Leave Salary	6,720		Nil.
	Probable Savings	40,250		
		1,57,550		82,876

		Rs.		Rs.
iii Agricultural Education.		2,19,000	Contribution at ¼	= 50,000
iv. Agricultural Development under the Lloyd Barrage, not included in the budgets till 1925.		1,35,000	Same	1,35,000
v. Veterinary Instruction.		97,000	Contribution at ¼	= 24,000
vi. Co-operative Credit.	Registrar (1700–1800)	= 22,600	Same	22,600
			Total Agriculture	**3,63,476**
XIII Industries. *Detailed Account No. 35-A.*	(*i*) Direction.			
	Pay of Officers			
	1 Director (1300)	= 17,160	Same	17,160
	Pay of Establishment	10,526	,,	10,526
	Allowance, Honoraria	3,052	,,	3,052
	Contingencies	2,240	,,	2,240.
		32,978		32,978

	Present Expenditure in Bombay.		Estimated Expenditure for Sind.	
		Rs.		Rs.
	(*ii*) Superintendence	13,384	Same	13,348
	(*iii*) Industrial Education	40,774	Estimating at ½	= 20,367
	(*iv*) Industrial Development	2,000	Same	2,000
	(*v*) Miscellaneous	2,000	,,	2,000
			Total	**70,693**
XIV Labour Office	Budgetted	68,000	Estimating at ½	**34,000**
XV Misellaneous Departments.	*i* Commissioner (1000–1200) under the workmen's Compensation Act and his office	= 25,000	Same	25,000
	ii Examinations	21,000	Same	21,000
	iii Government Central Press	5,62,643	Addition to the expense on the Sind Commissioners' Press	1,00,000
			Total	**1,46,000**

ERRATA.

Page.	Lined.	Incorret.	Correct.
1	22	more	the more
6	17	3.279	32.79
6	30	financial	financed
7	6	thi	this
7	25	come	comes
7	30	which not	which is not
7	32	year's	years'
8	1	seperate	separate
8	16	provid	provide
10	3	exeeding	exceeding
10	33	15,04,200	14,47,909
10	35	3,29,085	3,29,600
11	13	4,51,980	4,21,980
11	24	39,16,510	38,30,734
12	26	39 lakhs	38 lakhs

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SCHEDULE.

POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 12th April 1937.

No. R. 363-B.—The following rules are published for general information :—

The Bombay Legislative Council Rules and Standing Orders as adapted and modified for the Bombay Legislative Assembly under section 84 (3) of the Government of India Act, 1935.

RULES.

1. These rules may be called the Bombay Legislative Assembly Rules.

Short title.

2. In these rules—

Definitions.

"Act" means the Government of India Act, 1935;

"Assembly" means the Legislative Assembly of the Province of Bombay constituted under the Act;

"Council" means the Legislative Council of the Province of Bombay constituted under the Act;

"Finance Minister" means the Minister appointed by the Governor to perform the functions of the Finance Minister under these rules;

"*Gazette*" means the *Bombay Government Gazette*;

"member" means a member of the Assembly;

"Member of the Government" means a Minister, and includes any member to whom such member may delegate any function assigned to him under these rules;

"originating Chamber" means the Chamber in which a Bill is originally introduced;

"Resolution" means a motion for the purpose of discussing a matter of general public interest;

"Standing order" means a standing order of the Assembly; and

"Secretary" means a Secretary to the Assembly, and includes any person for the time being performing the duties of the Secretary.

The words and expressions used in the Act and not defined in these rules shall have the meanings assigned to them in the Act.

Temporary Chairman.

3. (1) At the commencement of every Session the Speaker shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the Speaker and Deputy Speaker, when so requested by the Speaker, or, in his absence, by the Deputy Speaker.

(2) A Chairman nominated under sub-rule (1) shall hold his office until a new panel of Chairmen is nominated.

Power of persons presiding.

4. The Deputy Speaker and any Chairman of the Assembly shall, when presiding over the Assembly, have the same powers as the Speaker when so presiding, and all references to the Speaker in the rules and standing orders shall, in these circumstances, be deemed to be references to any such person so presiding.

Election of Speaker by the Assembly.

5. (1) When, owing to the existence of any vacancy in the office of the Speaker, the election of a Speaker is necessary, the Governor shall fix a date for the holding of the election, and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(*a*) the name of the member nominated, and

(*b*) that the proposer has ascertained that such member is willing to serve as Speaker, if elected.

(3) On the date fixed for election the Deputy Speaker, Chairman or the person appointed by the Governor under sub-section (3) of section 65 of the Act, as the case may be, shall read out to the Assembly the names of the members who have been duly nominated together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a Speaker by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation as members of the Assembly.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots.

Allotment of time for non-official business and precedence of business.

6. The Governor after considering the state of business of the Assembly may allot so many days as may in his opinion be possible, compatibly with the public interests, for the business of non-official members of the Assembly, and may allot different days for the disposal of different classes of such business; and on days so allotted for any particular class of business, business of that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor.

Governor's power to give precedence to special business.

6A. The Governor acting in his discretion may—

(*a*) at the commencement of a Session of the Assembly, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence;

(*b*) at any time during a Session, require that any business of the nature referred to in clause (*a*) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence.

Power to disallow questions.

7. The Speaker may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Provincial Government, and if he does so, the question or part of the question shall not be placed on the list of questions.

Subject-matter of questions.

8. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognisance of the member to whom it is addressed.

(2) No question shall be asked in regard to any matter which is under adjudication by a court of law having jurisdiction in any part of His Majesty's Dominions.

(3) The Governor acting in his discretion may at any time before a question is asked inform the Speaker that he disallows the question or any part of the question on the ground that it affects the discharge by him of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment and if he does so the question or part of the question shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

(4) (*a*) No question shall be asked save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely:—

(*i*) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince;

(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof;

(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(*b*) No question shall be asked on any matter connected with any Indian State unless the Governor acting in his discretion—

(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and

(*ii*) has given his consent to the question being asked.

(*c*) If the Speaker is of opinion that a question is or may be one which cannot be asked save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the question, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the question may be put, it shall not be entered in the list of business.

(*d*) Notwithstanding the fact that the Speaker has made no reference under clause (*c*), if the Governor acting in his discretion considers that any question or part of a question is one which cannot be asked without his consent he may withhold his consent to the asking of the question and, on communication to the Speaker of his decision which shall be final, the question shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

(*e*) The Speaker shall disallow any supplementary question if in his opinion it infringes the foregoing rules.

Questions regarding controversy with higher authorities.

9. In matters which are or have been the subject of controversy between His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or the Central Government or the Secretary of State and the Provincial Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Explanation.—For the purposes of this rule, the expression "the Central Government" shall mean—

(*a*) before the establishment of the Federation, the Governor General acting in his discretion or in Council, and

(*b*) after the establishment of the Federation, the Governor General acting in his discretion or with the aid and advice of ministers (whether exercising his individual judgment or not).

Supplementary questions.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given:

Provided that the Speaker shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions.

Minister's Resignation.

10A. (1) A member who has resigned the office of Minister may with the consent of the Speaker make a personal statement in explanation of his resignation.

(2) Such statement shall be made after questions and before the list of business for the day is entered upon.

(3) On such statement no debate shall be allowed: Provided that a Member of the Government shall be entitled, after the member has made his statement, to make a statement pertinent thereto.

Motions for adjournments.

11. A motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the Speaker.

Restrictions on power to make motion.

12. The right to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

(*i*) not more than one such motion shall be made at the same sitting ;

(*ii*) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;

(*iii*) the motion must not revive discussion on a matter which has been discussed in the same Session ;

(*iv*) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ; and

(*v*) the motion must not deal with a matter on which a resolution could not be moved.

Motion regarding want of confidence in a Minister.

12A. (1) A motion expressing want of confidence in a Minister or a motion disapproving the policy of the Minister in a particular respect may be made with the consent of the Speaker and subject to the following restrictions, namely :—

(*a*) leave to make the motion must be asked for after questions and before the list of business for the day is entered upon ;

(*b*) the member asking for leave must before the commencement of the sitting of the day leave with the Secretary a written notice of the motion which he proposes to make.

(2) If the Speaker is of opinion that the motion is in order he shall read the motion to the Assembly and shall request those members who are in favour of leave being granted to rise in their places and if not less than 50 members rise accordingly, the Speaker shall intimate that leave is granted and that the motion will be taken on such day, not being more than ten days from the day on which leave

is asked, as he may appoint. If less than 50 members rise the Speaker shall inform the member that he has not the leave of the Assembly.

Resolution for removal of Speaker.

12B. Any resolution to remove the Speaker from office of which the notice as required under section 65 of the Act has been given shall be read to the Assembly by the Speaker who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places and if not less than 50 members rise accordingly, the Speaker shall allow the resolution to be moved. If less than 50 members rise, the Speaker shall inform the member who may have given the notice that he has not the leave of the Assembly to move it.

Vacation of seat of a member on account of absence for sixty days.

12C. (1) If a member finds that at any time he is unable to attend the meetings of the Assembly for a period of sixty consecutive days computed in the manner provided in section 68 of the Act, he shall apply for permission of the Assembly to be so absent.

(2) Such application shall, as soon as may be after receipt, be read out by the Speaker to the Assembly and the Speaker shall decide the manner in which the decision of the Assembly shall be taken on such application.

(3) The Secretary shall inform the member, as soon as possible, of the decision of the Assembly on his application.

(4) If a member is absent without permission from all meetings of the Assembly for a period of sixty consecutive days or more, computed in the manner provided in section 68 of the Act, the Speaker shall bring that fact to the notice of the Assembly and shall decide the manner in which the decision of the Assembly shall be taken in the matter.

(5) If the Assembly declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor and to the member.

(6) The Secretary shall keep a list showing the attendance of each member and such list shall be made available for inspection by members.

13. [*Deleted.*]

Language of the Assembly.

14. The business of the Assembly shall be transacted in English, but any member who is not fluent in English may address the Assembly in any recognised language of the province, provided that the Speaker may call on any member to speak in any language in which he is known to be proficient.

Explanation.—For purposes of this rule "recognised language" shall mean any one of the following languages, namely, *Gujarati*, *Marathi*, *Kanarese* and *Urdu*.

Decision on points of order.

15. (1) The Speaker shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the Speaker, but in doing so shall confine himself to stating the point.

Irrelevance or repetition.

16. The Speaker, after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Power to order withdrawal of member.

17. (1) The Speaker shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Assembly, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same Session, the Speaker may direct the member to absent himself from the meetings of the Assembly for any period not longer than the remainder of the Session, and the member so directed shall absent himself accordingly. The member so directed to be absent shall not be deemed to be absent for the purposes of sub-section (4) of section 68 of the Act.

(3) The Speaker may in the case of grave disorder arising in the Assembly suspend any sitting for a time to be named by him.

Publication of Bills.

18. The Governor may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the *Gazette* although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and if the Bill is afterwards introduced, it shall not be necessary to publish it again.

Notice of motion for leave to introduce Bills.

19. (1) Any member, other than a Member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the list of business unless the Governor has indicated to the Speaker that the previous sanction required has been granted.

(3) If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction the question shall be referred to the authority which would have power to grant the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days expiring on the day previous to the day on which the motion is made.

Publication.

20. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the *Gazette*.

Persons by whom motions in respect of Bills may be made.

20A. (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge.

(2) For the purposes of this rule "member in charge of the Bill" means in the case of a Government Bill, any member acting on behalf of the Government and, in any other case, the member who has introduced the Bill.

Power to re-introduce Bills.

20B. (1) Where a Bill is returned to the Assembly under section 75 or 76 of the Act with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof or will consider the desirability of introducing such amendments as may be recommended in the message, a motion may be made for leave to reintroduce the Bill.

(2) A message in regard to Bills returned for reconsideration under section 75 or 76 of the Act shall be communicated to the Assembly by the Speaker and shall be endorsed on the Bills.

(3) Where a Bill has been introduced after a recommendation under sub-rule (1), a motion may be made in respect of the Bill notwithstanding that such motion raises a question substantially identical with one on which the Assembly has already given a decision in the same Session :

Provided that no dilatory motion shall be made in connection with such Bill without the consent of the member in charge of the Bill, and, if any such motion has been made but has not been carried prior to the communication to the Assembly of the recommendation, such motion shall not be put to the Assembly.

(4) When a Bill which has been passed is returned by the Governor to the Assembly for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

(5) Subject to the provisions of this rule, the ordinary procedure of the Assembly in regard to Bills shall, so far as may be, apply in regard to such Bills.

(6) For the purposes of this rule " a dilatory motion " means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

Procedure regarding address on draft Bills sent under section 90 (2).

20C. (1) Where a message has been sent to the Assembly by the Governor, attaching a draft of a Bill which the Governor proposes to enact under the provisions of section 90 of the Act, the message shall, as soon as may be after receipt, be read out to the Assembly by the Speaker and the copies of the draft of the Bill sent with the message shall be laid on the Assembly table. Any member may thereupon after giving 3 days' notice move that such draft may be referred to a Special Committee for a report thereon notwithstanding that such motion raises a question substantially identical with one on which the Assembly has already given a decision in the same Session. On such motion the principle of the Bill and its general provisions may be discussed.

(2) The Special Committee shall consist of twelve members who shall be named when the motion for reference to the Special Committee is made. Five members of the Committee shall form a quorum. The Committee shall elect its own Chairman.

(3) The Special Committee shall consider the draft Bill and the Governor's message and shall report within a period of two weeks from the date of the reference, unless the Assembly directs the report to be made sooner or grants an extension of the said period, whether in its opinion, an address should be presented. If the Special Committee is of opinion that an address should be presented, it shall include in its report a draft of the address which it proposes.

(4) The Chairman of the Special Committee, after presenting the report, shall move that the report be taken into consideration :

Provided that no such motion shall be made unless copies of the report have been despatched to each member of the Assembly four clear days before the date on which such motion is made, unless the Speaker allows the motion to be made earlier.

(5) If the motion that the report be taken into consideration is carried, amendments may be moved to the draft address.

(6) Notice of motions for the amendments to the draft address shall be sent to the Secretary not later than two days before the day fixed for the consideration of the report :

Provided that the Speaker may dispense with such notice or may allow the motion to be made earlier.

(7) After the consideration of the report, the Chairman of the Special Committee shall move that the report and the draft address or the draft address as amended by the Assembly, be adopted

(8) Any action to be taken by the Chairman of the Special Committee under sub-rule (4) or (7) shall, in the absence of the Chairman, be taken by such member of the Committee as the Speaker may nominate in this behalf.

(9) Except as otherwise provided, the procedure of the Select Committee appointed in the case of a Bill and the procedure for the disposal of a Bill reported on by a Select Committee shall be followed, as far as may be practicable, in the proceedings under this rule :

Provided that no dilatory motion shall be moved at any stage in such proceedings.

(10) An address shall be strictly relevant to the questions raised in the Governor's message and shall not include any matter prohibited by paragraph 7 of Standing Order V.

(11) The Speaker shall forthwith communicate to the Governor the proceedings of the Assembly in relation to the Bill.

Explanation.—In this rule the expression "dilatory motion" shall have the same meaning as is assigned to it in rule 20B.

Effect of certification by Governor.

21. A certificate by the Governor under sub-section (2) of section 86 of the Act in respect of any Bill or any clause of a Bill or any amendment to a Bill directing that no further proceedings shall be taken thereon may be made by message and shall be communicated to the Assembly by the Speaker. On receipt of such a certificate, all notices of motions in connection with the subject-matter of the certificate shall lapse and if any such motion has not already been set down on the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the Speaker shall, when the motion is reached, inform the Assembly of the Governor's certificate and the Assembly shall forthwith without debate proceed to the next item of business. If any such motion has been reached and is under discussion when the certificate is received, the Speaker shall forthwith inform the Assembly of the Governor's certificate and the Assembly shall forthwith without further debate proceed to the next item of business.

Bills passed by the Assembly to be transmitted to the Council.

21A. (1) Every Bill which has been passed by the Assembly shall be transmitted to the Council.

(2) Copies of every Bill passed by the Council and transmitted to the Assembly shall be laid on the table of the Assembly.

No leave for introduction of a Bill transmitted under rule 21A.

21B. After a Bill has been laid on the table of the Assembly under rule 21A, it shall not be necessary to make a motion for leave to introduce the same in the Assembly and if the Bill is afterwards introduced it shall not be necessary to publish it.

Notice.

21C. At any time after copies of such Bill have been laid on the table, any Member of the Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move the Bill and thereupon the provisions of the Rules and Standing Orders of the Assembly regarding the procedure relating to the passing of Bills, shall, subject to the provisions of rules 21B to 21I, apply.

21D. After such Bill has been moved, if the Bill has already been referred to a Select Committee of the Council or to a joint Committee of both the Chambers, no motion shall be made and no amendment shall be moved that the Bill be referred to a Select Committee.

Reference to Select Committee.

21E. If the Bill is passed by the Assembly without amendments a message shall be sent to the Council intimating that the Assembly has agreed to the Bill without any amendments.

Bills passed without amendments.

21F. If the Bill is passed with amendments by the Assembly the Bill shall be returned to the Council with a message asking for the concurrence of the Council to the amendments.

Bills passed with amendments.

21G. When a Bill which has originated in the Assembly has been amended in the Council and is returned to the Assembly asking the concurrence of the Assembly to the amendments, copies of the Bill so amended shall be laid on the table of the Assembly.

Return of the amended Bill to the Assembly.

21H. After an amended Bill has been laid on the table under rule 21G, any Member of the Government in the case of a Government Bill or, in any other case, any member, after giving seven days notice or with the consent of the Speaker, without notice or with notice of a lesser period, may move that the amendments be taken into consideration.

Appointment of time for consideration of amendments.

21I. (1) If the Assembly agrees to the amendments made by the Council in the Bill returned under rule 21G a message intimating its agreement shall be sent to the Council.

Procedure consequent on consideration of amendment.

(2) If the Assembly, without passing any further amendments, disagrees with the amendments made by the Council, or any of them, the Bill with a message intimating its disagreement shall be sent to the Council.

(3) If the Assembly passes further amendments which are not entirely in conformity with the amendments made by the Council, the Bill as further amended with a message to that effect shall be transmitted to the Council.

(4) If the Bill has originated in the Council and is returned to the Assembly by the Council with a message intimating the disagreement of the Council to the amendments made by the Assembly or any of them, or with amendments not entirely in conformity with the amendments made by the Assembly, the Assembly may either agree to the Bill as originally passed in the Council or as further amended by the Council, as the case may be, or may return the Bill with a message that it insists on one or more of its own amendments with which the Council has disagreed.

(5) If the Bill has originated in the Assembly, and is again returned to the Assembly with a message intimating that the Council insists on amendments to which the Assembly is unable to agree, the Assembly may either agree to such amendments or report the fact of disagreement to the Governor.

Joint Committees.

21J. (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of that Chamber who are to serve on the Committee. On a Joint Committee an equal number of members of each Chamber shall be nominated.

(3) The Chairman of the Committee shall be selected by the Committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of meeting of the Committee shall be fixed by the President of the Council.

Discussion of Governor's ordinances.

21K. As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the reassembly of the Assembly, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the other Chamber with a message asking for its concurrence.

Power to disallow resolutions.

22. (1) The Governor acting in his discretion may at any time before the resolution is moved inform the Speaker that he disallows any resolution or any part of a resolution on the ground that it relates to or affects the discharge of any of the functions of the Governor in so far as he is by or under the Act required to act in his discretion or exercise his individual judgment, and if he does so, the resolution or part of the resolution shall not be placed on the list of business or if it has been placed on the list of business, it shall not be moved.

(2) The Speaker may disallow any resolution or part of a resolution on the ground that it relates to a matter which is not primarily the concern of the Provincial Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.

(3) The provisions of sub-rules (1) and (2) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Assembly for the purpose of discussing any matter of urgent public importance.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Provincial Government.

Restrictions on subject matter or discussion.

(2) No resolution shall be moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(3) (*a*) No resolution shall be moved save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely:—

(*i*) any matter connected with the relations between His Majesty or the Governor General and any foreign State or Prince;

(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof;

(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(*b*) No resolution shall be moved on any matter connected with any Indian State unless the Governor acting in his discretion—

(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and

(*ii*) has given his consent to the resolution being moved.

(*c*) If the Speaker is of opinion that a resolution is or may be one which cannot be moved save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the resolution, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the resolution may be moved, it shall not be entered in the list of business.

(*d*) Notwithstanding the fact that the Speaker has made no reference under clause (*c*), if the Governor acting in his discretion considers that any resolution or part of a resolution is one which cannot be moved without his consent he may withhold his consent to the moving of the resolution and, on communication to the Speaker of his decision which shall be final, the resolution shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the resolution to be moved.

(4) The provisions of sub-rules (2) and (3) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Assembly for the purpose of discussing any matter of urgent public importance.

24. A copy of every resolution which has been passed by the Assembly shall be forwarded to the Provincial Government, but any such resolution shall have effect only as a recommendation to the Provincial Government.

Copy to Government.

Motions other than discussion of matters of general public interest.

24A. (1) Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor under any provision of the Act or of these rules, no discussion of a matter of general public interest shall take place otherwise than on a motion moved in accordance with the rules governing the moving of resolutions, except with the consent of the Speaker and of the Member of the Government to whose Department the motion relates.

(2) The provisions of rules 22 and 23 shall, so far as may be, apply to all such motions.

Presentation of Budget.

25. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as "the Budget") shall be presented to the Assembly on such day in the preceding financial year as the Governor exercising his individual judgment may appoint :

Provided that the provisions of paragraph five of the Government of India (Commencement and Transitory Provisions) Order, 1936, shall apply as regards the Budget for the financial year 1937–38.

Demands for grants.

26. (1) A separate demand shall ordinarily be made in respect of the grant proposed for each Department of the Government, provided that the Finance Minister may in his discretion include in one demand grants proposed for two or more Departments, or make a demand in respect of expenditure, such as Famine Relief and Interest, which cannot readily be classified under particular Departments.

(2) Each demand shall contain, first, a statement of the total grant proposed, and then a statement of the detailed estimate under each grant divided into items.

(3) Subject to these rules, the Budget shall be presented in such a form as the Finance Minister may consider best fitted for its consideration by the Assembly.

Stages of the Budget debate.

27. The Budget shall be dealt with by the Assembly in two stages, namely :—

(*i*) a general discussion ; and

(*ii*) the voting of demands for grants.

General discussions.

28. (1) On a day or days to be appointed by the Governor exercising his individual judgment subsequent to the day on which the Budget is presented and for such time as the Governor exercising his individual judgment may allot for this purpose, the Assembly shall be at liberty to discuss the

Budget as a whole or any question of principle involved therein, but no motion shall be moved at this stage, nor shall the Budget be submitted to the vote of the Assembly.

(2) The Finance Minister shall have a general right of reply at the end of the discussion.

(3) The Speaker may, if he thinks fit, prescribe a time limit for speeches.

Voting of demands.

29. (1) The voting of demands for grants shall take place on such days not exceeding fifteen as the Governor, exercising his individual judgment, may allot for the purpose :

Provided that at least seven days shall elapse between the first day of the presentation of the Budget and the first day of the voting of demands.

(2) Of the days so allotted, not more than two days shall be taken up by the Assembly for the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the Speaker shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On a day allotted under sub-rule (1) for the voting of demands for grants, no other business shall be taken up before 5 p.m. except with the consent of the Speaker :

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under these rules.

(4) On the last day of the days so allotted, at 5 p.m., the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants ; and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto.

Motions at this stage.

30. (1) No motion for appropriation can be made except on the recommendation of the Governor communicated to the Assembly.

(2) Motions may be moved at this stage to reduce any grant but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

Excess grants.

31. If in respect of any financial year money has been spent on any service for which the vote of Assembly is necessary in excess of the amount granted for that service and for that year, a demand for the excess amount shall be presented

to the Assembly and shall be dealt with in the same way by the Assembly as if it were a demand for a grant.

32. *[Deleted.]*

Further demands for grants.

32A. On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved :

Provided that—

(*i*) they are required for purposes which in the opinion of the Governor are of a very urgent nature ;

(*ii*) they are for new matters which have not been included in the original estimates of the year. Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation under each grant.

Supplementary demands.

32B. (1) The Governor, exercising his individual judgment, may, from time to time, allot a day for the presentation of a supplementary statement of expenditure.

(2) The Governor, exercising his individual judgment, shall allot one or more days not earlier than three days after the day allotted for such presentation, (*a*) for voting on the demands for supplementary grants, or (*b*) for discussion of the estimates of the expenditure charged on the revenues of the Province, other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of section 78 of the Act, or (*c*) for both such voting and discussion, as the case may be.

(3) At 5 p.m. on the day or the last of such days, as the case may be, allotted under sub-rule (2) all discussion shall terminate and the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for supplementary grants.

(4) The consideration of the business referred to in sub-rule (2) shall not, on the day or days allotted therefor, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto.

Schedule of authorised expenditure.

32C. The schedule of the authorised expenditure of the Province shall be laid before the Assembly in pursuance of sub-section (2) of section 80 of the Act on such day as the Governor, exercising his individual judgment, may appoint for the purpose.

Constitution of Committee on Public Accounts.

33. (1) As soon as may be after the commencement of the first Session of each Assembly, a Committee on Public Accounts shall be constituted for the purpose of dealing with the reports of the Auditor-General of India relating to the appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee.

(2) The Committee on Public Accounts shall consist of 12 members, including the Finance Minister who shall be a member *ex-officio*. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote. The term of office of members of the Committee shall be one year but any member shall be eligible for re-election.

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (2) and any person elected to fill such a vacancy shall hold office for so long only as the person in whose place he is elected would have held office. During any vacancy in the Committee, the continuing members may act as if no vacancy has occurred.

(4) The Chairman shall be elected by the Committee from among their members. In the case of an equality of votes on any matter the Chairman shall have a second or casting vote.

Control of Committee on Public Accounts.

34. (1) In scrutinising the appropriation accounts of the Province and the report of the Auditor-General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself—

(*a*) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged,

(*b*) that the expenditure conforms to the authority which governs it, and

(*c*) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor acting in his discretion or by the Finance Department, as the case may be.

(2) It shall also be a duty of the Public Accounts Committee—

(*a*) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have required to be prepared, and the Auditor-General's report thereon ;

(*b*) to consider the report of the Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock,

STANDING ORDERS.

I.—Definitions.

1. In the Standing Orders—

Definitions.

(*a*) "clear days" includes Sundays and holidays;

(*b*) "Member of the Government" includes any member to whom a Member of the Government delegates any function assigned to him under the Standing Orders;

(*c*) "member in charge" means in the case of a Bill, the member who introduces the Bill, in the case of a motion for an adjournment of the business of the Assembly to discuss a matter of urgent public importance, the member who has obtained the consent of the Speaker to such motion, and in the case of any other motion, the member who has given notice of the motion, or where notice of the motion is not required, the member who moves the motion;

(*d*) "motion" is the statement of a matter brought forward by a member for the decision of the Assembly and includes an amendment of a motion;

(*e*) "Rule" means a Rule under section 72D (6) of the Government of India Act framed in respect of the Legislative Council of the Governor of Bombay and deemed to have effect in relation to the Assembly under section 84 of the Act;

(*f*) The words and expressions used in the Act and the rules and not defined in these Standing Orders shall have the meanings assigned to them in the Act and the rules respectively.

II.—Assembly Sessions.

1. On the issue by the Governor in his discretion of a notification appointing a time and place for a Session of the Assembly, the Secretary shall issue a summons to each member for the time and place so appointed.

Summons.

2. Save as provided in paragraph 1 the Assembly shall sit on such days and at such times as the Speaker shall direct.

Time of meeting.

3. (1) A Session shall be prorogued by order of the Governor in his discretion.

Prorogation: Lapse of Notices: Business carried over.

(2) On the prorogation of a Session, all pending notices, except those in respect of questions and statutory motions, shall lapse, and fresh notice must be given for the next Session.

(3) On the prorogation of a Session, Bills which have been introduced shall be carried over to the list of business for the next Session.

III.—Assembly Officials.

Election of Deputy Speaker.

1. (1) After the members have been sworn in at the beginning of a new Assembly and after the election of the Speaker the Assembly shall elect one of its members to be Deputy Speaker.

(2) Every member who wishes to propose a member for election as Deputy Speaker must—

(*a*) ascertain previously that the member he wishes to propose is willing to serve if elected, and

(*b*) hand to the Secretary a notice containing the name of the member he desires to propose signed by himself and some other member as seconder.

(3) The Speaker shall read out to the Assembly the names of the candidates together with those of their proposers and seconders and if only one member has been proposed for election shall declare that member duly elected. If more than one member has been proposed, the Assembly shall proceed to elect a Deputy Speaker by ballot.

(4) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(5) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from election under sub-paragraph (4), the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots.

(6) The provisions of sub-paragraphs (2) to (5) shall, so far as may be, apply to any election to fill a vacancy in the office of the Deputy Speaker which may occur at any other time.

IV.—Arrangement of Business.

Arrangement of Business.

1. (1) The Governor may arrange Government business in such order as he deems fit; Government business shall be deemed to include statutory motions and motions relating to Bills returned for reconsideration under section 75 or 76 of the Act:

Provided that nothing contained in this sub-paragraph shall affect the provisions of rule 6A.

(2) Subject to the provisions of Rules 6 and 6A, when non-official business has precedence, Bills shall have precedence over resolutions: Provided that the Speaker may give priority to any item of such business.

(2A) The relative precedence of notices of resolutions shall be determined by ballot in accordance with the procedure set out in the Schedule.

Provided that the Speaker may on the request of the mover thereof direct that any resolution upon the agenda be moved on any day allotted to non-official business.

(3) (*a*) On a day allotted for the disposal of non-official business, non-official Bills shall have relative precedence in the following order, namely :—

(*i*) Bills returned to the Assembly under sub-rule (4) of rule 21I of the Bombay Legislative Council Rules ;

(*ii*) Bills sent to the Assembly under sub-rule (2) of rule 21I of the Bombay Legislative Council Rules ;

(*iii*) Bills transmitted to the Assembly under sub-rule (3) of rule 21I of the Bombay Legislative Council Rules ;

(*iv*) Bills returned to the Assembly under rule 21F of the Bombay Legislative Council Rules ;

(*v*) Bills transmitted to the Assembly under rule 21A of the Bombay Legislative Council Rules ;

(*vi*) Bills introduced in the Assembly in respect of which the next stage is that a Bill shall be read a third time and be passed ;

(*vii*) Bills introduced in the Assembly in respect of which a motion has been carried that the Bill be read a second time ;

(*viii*) Bills introduced in the Assembly in respect of which the report of a Joint or Select Committee has been presented ;

(*ix*) Bills introduced in the Assembly in respect of which the next stage is the presentation of the report of a Joint or Select Committee ;

(*x*) Bills introduced in the Assembly and which have been circulated for the purpose of eliciting opinions ; and

(*xi*) Other Bills introduced or to be introduced in the Assembly.

(*b*) Subject to the provisions of paragraph 14 of Standing Order VIII, Bills to be introduced in the Assembly shall have priority in the order of the dates on which notices of them were given ; Bills introduced in the Assembly shall have priority in the order of the dates of their introduction ; and all other Bills shall have priority in the order of the dates on which they first become fit for the consideration of the Assembly.

(4) A resolution of congratulation or condolence may, with the permission of the Speaker and subject to the provisions regulating the discussion of resolutions, be moved at any time.

List of Business.

2. (1) A list of business for the Session shall be despatched to each member three clear days before the Session commences ; the list shall contain every item of business on which a motion may be moved at that Session.

(2) Business not included in the list of business for the Session shall not be transacted at any meeting without the leave of the Speaker.

Provided that the Governor acting in his discretion may direct that any business of the nature referred to in rule 6A shall be transacted on any day allotted for such business notwithstanding that it is not included in the list of business for the Session.

(2A) The Secretary shall prepare an order of business for the day and a copy thereof shall be made available for the use of every member. Save as otherwise provided in the Rules or the Standing Orders, no business not included in the order of business for the day shall be transacted at any meeting without the leave of the Speaker.

(3) Business requiring notice shall not without the leave of the Speaker be included in the list of business or the order of business for the day until the notice period has expired.

Adjournment of meeting.

3. The Speaker may adjourn any meeting or business not being business of the nature referred to in rule 6A to any future day and hour or to any part of the same day without discussion or vote.

Adjournment of Business.

4. (1) A motion that consideration of a Bill which has been introduced not being a Bill sent under section 90 of the Act or of any resolution moved in Assembly be adjourned to any future day in the same Session available for such business or to any future Session or *sine die* may be moved by any member at any time and such motion shall take precedence of any other motion then before the Assembly. The Speaker, after permitting, if he thinks fit, a brief explanatory statement from the mover of the motion and, if the motion is opposed, from the member opposing the motion, may without further debate put the question thereon.

(2) The Speaker may disallow any motion for the adjournment of any business if, in his opinion, such motion is made for the purpose of securing the adjournment of the meeting.

New members take their seats.

5. (1) At the beginning of each meeting the Speaker shall call upon new members desirous of taking their seats to do so.

(2) The Secretary shall then call the name of any new member desirous of taking his seat: and such member after taking the oath or making the affirmation in the manner prescribed in the Act, shall take his appointed seat.

Question time.

6. After new members have taken their seats and the elections of a Speaker and of a Deputy Speaker have taken place, a period of one hour at every meeting except during voting of demands of the annual budget when half an hour shall be allowed, shall be available for the asking and answering of questions.

7. (1) Every notice required by the Rules or Standing Orders shall be given in writing addressed to the Secretary and shall be left at the Assembly Office which shall be open for this purpose between the hours of 11 and 5 o'clock on every day except Sunday or a public holiday.

Giving of notice.

(2) Notices left when the office is closed shall be treated as given on the next open day.

(3) A copy of every notice received, other than a notice of a question with its accompaniments and of a Bill with its Statement of Objects and Reasons published under Rule 18 shall be sent forthwith to each member : provided—

(*i*) that a copy of a resolution of which notice is received shall not be sent until the resolution has been admitted ;

(*ii*) that where notice of a motion for leave to introduce a Bill is received, a copy of the Bill shall not be sent to each member until leave to introduce the Bill has been obtained.

(4) A copy of every notice received and of its accompaniments and of any order passed by the Speaker thereon shall be sent forthwith to the Department of Government concerned.

8. (1) The Secretary shall make every effort to circulate to each member a copy of every notice which is required to be given as well as a copy of any other paper which is required to be made available for the use of the members under the Rules or the Standing Orders.

Notice to members.

(2) Such notice or other paper shall be deemed to have been given or made available for the use of every member, if a copy thereof is exhibited on the notice board at the office of the Assembly and despatched to the address of every member :

Provided that when the Assembly is in session such notice or paper shall be deemed to be despatched to each member, if it is deposited in such place at the Assembly Chamber as may be appointed in this behalf by the Speaker.

V.—General Rules of Procedure.

1. No adjournment of the Assembly and no suspension of any meeting thereof shall be ordered under sub-section (3) of section 66 of the Act unless a warning bell is rung for three minutes in the library and the refreshment room to enable absent members to resume their places.

Adjournment for want of quorum.

2. The members shall sit in such order as the Speaker may appoint.

Members' Places.

3. A motion shall not be moved which is inconsistent with any decision at which the Assembly has arrived at the same stage of the business, or in the same Session unless such decision has been arrived at at a different stage.

Repetition of motions.

Member to rise when speaking and to resume his seat when Speaker stands or a point of order is raised.

4. A member desiring to move any motion or make any observations on any matter before the Assembly shall speak from his place, shall rise when he speaks, and shall address the Speaker. At any time if the Speaker rises or if a member rises to a point of order any member speaking shall resume his seat.

Interruption of Speaker.

5. If while a member is speaking a member desires to make an explanation or to ask an explanation from the member speaking, he shall rise in his place and, if called upon by the Speaker, shall make or ask the explanation; if not called upon, he shall resume his seat. The Speaker shall not call upon the member so rising unless the member speaking resumes his seat. No discussion on any point of order shall be allowed except with the consent of the Speaker.

Points of Order.

Members who cannot speak English.

6. Any member who is unable to express himself in English may print a sufficient number of copies of his speech for distribution to the members; such copies shall, if delivered to the Secretary two clear days before the matter in question is discussed, be distributed to the members: *provided that the Speaker may direct that any portion of the speech which is not in order be deleted.*

Limitations on Debate.

7. (1) The matter of every speech must be relevant to the matter before the Assembly.

(2) A member while speaking must not—

(*i*) refer to any matter of fact on which a judicial decision is pending;

(*ii*) make a personal charge against a member;

(*iii*) use offensive expression;

(*iv*) reflect upon the conduct of His Majesty the King, or the Governor General, or His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States or any Governor, as distinct from the Governor General in Council and after the establishment of the Federation under the Act the Federal Government or any Provincial Government, or any Court of Justice in the exercise of its judicial functions;

(*v*) utter treasonable, seditious, or defamatory words;

(*vi*) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly; or

(*vii*) discuss any ruling or direction of the Speaker or any order disallowing a question or resolution.

Amendments.

8. (1) An amendment must be relevant to and within the scope of the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) After a decision has been given on an amendment to any part of a motion, an earlier part shall not be amended.

(4) (*a*) An amendment to an amendment may be moved with the permission of the Speaker.

(*b*) When an amendment to an amendment is moved, the amendment sought to be amended shall, so long as the amendment by which it is sought to be amended is under discussion, be deemed to be the substantive proposition before the Assembly.

(5) An amendment in the alternative shall not be moved.

(6) The Speaker may refuse to put an amendment which is in his opinion frivolous.

Right of Speech and Reply.

9. (1) After the mover of a motion has spoken other members may, save as otherwise provided, speak to the motion in such order as the Speaker may call upon them.

(2) Save in the exercise of a right of reply or as otherwise provided, no member shall speak more than once to any motion, except with the permission of the Speaker for the purpose of making a personal explanation but in such cases no debatable matter shall be brought forward.

(3) The mover of a motion, but not the mover of an amendment other than an amendment of a Bill or of the Standing Orders, may speak a second time on the conclusion of the debate by way of reply; and if such motion is moved by a non-official member, the Member of the Government in charge of the Department concerned shall have the right of speaking after the mover has replied whether such member of Government has previously spoken in the debate or not.

Closure.

10. At any time after a motion has been made, a member may request the Speaker to put the question and, unless it appears to the Speaker that the request is an abuse of the rules of the Assembly or an infringement of the rights of reasonable debate, the Speaker shall, after allowing such right of reply as he shall deem necessary, put the question.

Motion decided by question.

11. (1) A motion shall be put by the Speaker as a question for the determination of the Assembly.

(2) Votes may be taken by voices or division, and shall be taken by division if any member so desires. The Speaker shall determine the method of taking votes by division.

(3) The result of a division shall be announced by the Speaker and shall not be challenged.

Strangers.

12. The admission to the Assembly Chamber of—

(*a*) visitors to the Visitors' gallery, and

(*b*) representatives of the Press to the Press gallery,

during the meetings of the Assembly shall be regulated in accordance with orders made by the Speaker with the approval of the Governor.

13. The Speaker, whenever he thinks fit, may order the Visitors' or Press gallery to be cleared.

Power to order withdrawal of strangers.

VI.—Questions.

1. Unless the Speaker with the consent of the Member of Government in charge of the Department concerned otherwise directs, not less than ten clear days' notice of a question shall be given.

Notice.

2. A question shall be addressed to a Member of Government, if it relates to the public affairs with which such Member is officially connected or to a matter of administration for which he is responsible, or to a non-official member if it relates to a Bill, resolution or other matter connected with the business of the Assembly for which such member is responsible.

Addressee.

3. In order that a question may be admissible it must satisfy the following conditions, namely :—

Form and Contents.

(1) it must not bring in any name or statement not strictly necessary to make the question intelligible;

(2) if it contains a statement, the member asking the question must make himself responsible for the accuracy of the statement;

(3) it must not ask whether certain things, such as statements made in a newspaper, are true;

(4) it may ask for an explanation of the intentions of Government in respect of a matter of immediate concern, provided that the question is not in substance a suggestion for any particular action in a matter raised by the member asking the question;

(5) it must not contain arguments, inferences, ironical expressions or defamatory statements;

(6) it must not ask for an expression of opinion or the solution of a hypothetical proposition;

(7) it must not refer to the character or conduct of any person except in his official or public capacity; and

(8) it must not be of excessive length.

4. The Speaker shall disallow any question which in his opinion is an abuse of the right of questioning at the expense of the Assembly and its time; and shall either amend or disallow a question which is in contravention of the Standing Orders.

Disallowance or amendment by Speaker.

5. Questions, which have not been disallowed, shall be entered in the list of questions for the day, and shall be called in the order in which they stand in the list, in the time available for questions under Order IV, paragraph 6, if such time permits.

Questions for the day.

6. Questions shall be put and answers given in such manner as the Speaker may, in his discretion, determine.

Questions how put.

7. The Speaker, at the request of a Member of the Government, may direct that an answer to a question which has been called may be given on the ground of public interest, even though the question is not put or the member in whose name it stands is absent.

Withdrawn questions.

8. No discussion shall be permitted in respect of any question or of any answer given to a question.

Prohibition of discussion.

9. Where the information required in reply to a question entered in the list of questions for the day has not been obtained, a reply to that effect shall be given; and when the information has been obtained, the question with the reply shall be entered without further notice in the list of questions for the next day on which the Assembly meets.

Ad interim replies.

10. A member to whom a supplementary question is addressed may decline to answer it without notice, in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Assembly.

Supplementary questions.

VII.—Motions for Adjournment for Purposes of Debate.

1. (1) Leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked after questions and before the business for the day is entered upon.

Time of asking leave and procedure.

(2) The member asking leave must hand to the Speaker a written statement of the proposed motion and obtain his consent to the proposed motion before the Assembly sits.

(3) If the Speaker is of opinion that the proposed motion is in order, he shall read the motion to the Assembly and ask whether the member has the leave of the Assembly. If objection is taken, the Speaker shall request those members who support the motion for adjournment to rise in their places; and if 36 members rise accordingly, the Speaker shall intimate that the business of the Assembly will be adjourned at 4 o'clock for the purpose of discussing the motion. If less than 36 members rise, the Speaker shall inform the member that he has not the leave of the Assembly.

2. (1) The debate on the motion if not earlier concluded, shall terminate at 6 o'clock, and thereafter no question in respect of the motion shall be put.

Limit of discussion.
Limit of speeches.
Rule of discussion.

(2) No speech during the debate shall exceed fifteen minutes in duration.

(3) Save as herein provided, the provisions regulating the discussion of resolutions shall apply to the discussion of such motion.

VIII.—LEGISLATION.

Motion for leave to introduce : Introduction.

1. (1) On the motion for leave to introduce a Bill, the mover may make a brief explanatory statement. If the motion is opposed, the Speaker may permit a brief explanatory statement from the member who opposes and a brief reply from the mover; he may then without further debate put the question thereon; if leave to introduce the Bill is granted, the member who gave notice of the motion shall forthwith introduce the Bill.

(2) When a Bill has been published under the provisions of Rule 18, the member in charge may introduce the Bill on any subsequent day available for business of the kind.

Translation of Bills.

2. When a Bill has been introduced, the Bill with the Statement of Objects and Reasons shall be translated into such vernacular languages as the Speaker shall deem necessary and such translation shall be published in the *Gazette*.

Bill to be read three times : Rejection.

3. A Bill shall be read three times and where the motion for any reading is not carried, the Bill shall be deemed to have been rejected, and it shall not be re-introduced within a period of six months from the date of such rejection.

First Reading.

4. (1) When a Bill is introduced, or on some subsequent occasion, the member in charge may move that the Bill be read for the first time; provided that no such motion shall be made before the expiry of seven clear days from the despatch to each member of a copy of the Bill with the Statement of Objects and Reasons, unless the Speaker in exercise of his power to suspend this provision allows the motion to be made.

(2) On the first reading of a Bill the principle of the Bill and its general provisions may be discussed: the detailed provisions shall not be discussed nor shall any amendment of the Bill, other than an amendment of principle be moved at this stage.

(3) The provisions of paragraph 10 (2) and (3) of this Order shall apply *mutatis mutandis* to any such amendment.

Motion after First Reading.

5. (1) If the first reading of a Bill is passed, the member in charge may make one of the following motions in regard to the Bill, namely :—

(*a*) that it be read a second time either at once or on some future day to be then stated; or

(*b*) that it be referred to a Select Committee composed of such members of the Assembly as he may specify in his motion; or

(*c*) that it be published for the purpose of eliciting opinion thereon, for a period to be specified in the motion.

(2) Any member may make a motion as aforesaid by way of amendment.

(3) Where a motion that a Bill be published for the purpose of eliciting opinion is carried and the Bill is published in accordance with that direction and opinions have been received thereon within the period specified, the member in charge, if he wishes to proceed with the Bill thereafter, shall move that the Bill be referred to a Select Committee unless the Speaker, in the exercise of his power to suspend this provision, allows a motion to be made that the Bill be read a second time.

Composition and Procedure of Select Committee.

6. (1) The Member of Government in charge of the Department concerned with a Bill, and in the case of a Bill introduced by a member other than the aforesaid Member of Government, the member in charge shall be members of the Select Committee on the Bill. The other members of the Committee shall be named when the motion that the Bill be referred is made.

(2) The Member in charge of the Department concerned with the Bill shall, if he is a member of the Assembly, be the Chairman unless he waives his right to be Chairman. If the Member in charge of the Department concerned with the Bill is not a member of the Assembly or if he waives his right to be the Chairman, the Committee shall appoint another member to be its Chairman. In the absence of the Chairman at any meeting, the members shall appoint a Chairman for that meeting. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(3) The Chairman shall have power to report to the Speaker the name of any member who is unable to attend the meetings of the Committee or by death, resignation or otherwise ceases to be a member thereof and the Speaker may thereupon appoint out of the members of the Assembly another member in his place.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

Report of Select Committee: Translation: Minute of dissent: Publication of Report.

7. (1) The Select Committee to which a Bill has been referred shall make a report thereon within two months from the date of the reference, unless the Assembly orders the report to be made sooner or grants an extension of the said period: the report shall be signed by the members of the Committee or by a majority of them.

(2) The Select Committee shall state in their report in what languages the report, minutes of dissent and the Bill, if amended, shall be published.

(3) If any member of a Select Committee desires to record a minute of dissent on any point, he shall sign the majority report, stating that he does so subject to his minute of dissent, and shall at the same time hand in his minute.

(4) The Secretary shall cause every report of a Select Committee, with any minutes of dissent thereto and the Bill, if amended, to be printed, and copies thereof shall be made available for the use of each

member of the Assembly. The report, with minutes of dissent and the Bill if amended, shall be published in the *Gazette* in such languages as the Select Committee may direct.

Presentation of Report : Motions on presentation.

8. (1) The report of the Select Committee on a Bill shall be presented to the Assembly by the member in charge of the Bill; in presenting a report the member in charge shall, if he makes any remarks, confine himself to a brief statement of fact. There shall be no further discussion of the report at this stage.

(2) After the presentation of the report of a Select Committee on a Bill the member in charge may move—

(*a*) that the Bill as reported by the Select Committee be read a second time either at once or at some future date to be then stated :

Provided that no such motion shall be made—

(*i*) unless copies of the report, of minutes of dissent, if any, and of the Bill, if amended, have been despatched to each member 7 clear days before the date on which such motion is made ; and

(*ii*) unless, notwithstanding any direction of the Select Committee relating to publication in languages under paragraph 7 (4) of this Order, copies of the said report, minutes of dissent and the Bill in the language of the member shall have been despatched two clear days before the date mentioned in paragraph (*i*) of this proviso to any member who shall have informed the Secretary of his wish to have such copies.

Nothing in this proviso shall affect the power of the Speaker to suspend the operation of either or both clauses of the said proviso and to allow the motion to be made at any time, or

(*b*) that the Bill, as reported, be recommitted to the Select Committee either—

(*i*) without limitation, or

(*ii*) with respect to particular clauses or amendments only, or

(*iii*) with instruction to the Select Committee to make some particular or additional provision in the Bill.

(3) Any member may move a motion as aforesaid by way of amendment.

Applicability of certain provisions to Bills committed to Joint Committee.

8A. The foregoing provisions of this Order shall, so far as may be practicable, apply to any Bill committed to a Joint Committee under rule 21J.

Second Reading : Clauses.

9. When a motion has been agreed to by the Assembly that a Bill be read second time, the Speaker shall submit the Bill to the Assembly clause by clause. The Speaker shall call the number of each clause separately, and, when the amendments relating to it have been dealt with, shall put the question " that this clause or (as the case may be) this clause, as amended, stand part of the Bill ".

10. (1) When a Bill is submitted clause by clause, any member may move an amendment, not being an amendment of principle, of the Bill.

Amendments: Notice: Order.

(2) Notice of the proposed amendment shall be sent to the Secretary seven clear days before the date on which the Bill is read for the second time: Provided that the Speaker may dispense with such notice in any case.

(3) Amendments shall be considered in the order of the clauses to which they relate: Provided that, with the permission of the Speaker, amendments may be taken in any other order.

11. (1) If no amendment be made when a Bill is submitted clause by clause, the Bill may at once be read a third time.

Third Reading.

(2) (*a*) If any amendment be made when a Bill is submitted clause by clause, any member may object to the Bill being read a third time at the same meeting; and such objection shall prevail, unless the Speaker, in exercise of the power to suspend this provision, disallows the objection.

(*b*) Where the objection prevails, the Bill shall be brought forward again at a future meeting; and may then be read a third time.

(3) (*a*) On the motion for the third reading of a Bill only verbal amendments may be moved.

(*b*) No notice of such amendments shall be required.

(4) If the motion for third reading be carried, the Bill shall be deemed to have been passed.

12. (1) When a Bill has been passed the Speaker shall sign a certificate at the foot thereof in the following form:—

Authentication of Bills: Submission to Governor.

"This Bill was read for a third time and passed at a meeting by the Legislative Assembly of the Province of Bombay on the
day of 19 .

Speaker."

(2) The Bill so certified shall then be transmitted to the Secretary of the Council for the consideration of the Council.

(3) When a Bill in respect of which the originating Chamber is the Assembly and which after it has been passed by the Assembly is passed by the Council without any further amendments, or when the Assembly agrees to the amendment made in the Bill by the Council and passes the Bill with those amendments the Secretary shall send a copy of the Bill signed by the Speaker for submission to the Governor through the Secretary to the Government of Bombay, Legal Department.

13. [*Deleted.*]

14. If the member in charge of a Bill makes no motion in regard to the same during two complete Sessions, the Bill shall lapse unless the Assembly, on a motion by

Dropped Bills.

that member in the next Session, makes a special order for the continuance of the Bill.

15. The member in charge may at any stage of a Bill withdraw the Bill without discussion.

Withdrawal of Bill.

VIII-A.—Statutory Motions.

1. A member who wishes to move a resolution which he is entitled to move in pursuance of any statute or legislative enactment for the time being in force shall give ten clear days' notice unless it is otherwise expressly provided by such statute or legislative enactment or unless the Speaker with the consent of the Member in charge of the Department concerned otherwise directs and shall together with the notice submit a copy of the proposed resolution.

Notice of a statutory motion.

IX.—[Deleted.]

X.—Resolutions.

1. (1) (*a*) A member who wishes to move a resolution shall give 15 clear days' notice and shall together with the notice submit a copy of the resolution which he wishes to move.

Notice of resolutions: Intimation of admission or disallowance.

(*b*) An adjourned Session, if the adjournment exceeds 15 days, shall for the purposes of this Standing Order be deemed to be a new Session of the Assembly.

(*c*) Every resolution of which 15 clear days' notice before the date appointed for the Session of the Assembly has been given, shall be included in the ballot for priority. Provided that no member shall, unless he has obtained the permission of the Speaker, be permitted to send in notice of more than seven resolutions during one Session of the Assembly.

(*d*) Resolutions of which notice has not been given 15 clear days before the date appointed for the Session of the Assembly shall be entered on the supplementary agenda in the order in which they have been received.

(*e*) No member shall be entitled to move a resolution of which notice has been given under clause (*d*) of this order, until every member entitled to do so has had an opportunity of moving a resolution for which he has obtained priority in the ballot; and no member shall move a second resolution under clause (*d*), until every member who has obtained priority in the ballot to move a second resolution, and every member entitled to move a first resolution under clause (*d*), has had an opportunity of doing so; and similarly with regard to subsequent resolutions. Provided always, that members who have not moved a resolution on the principal agenda, shall take priority over members who have done so. Provided also that the Speaker with the consent of the Member of the Government in charge of the Department concerned may allow a resolution to be entered on the list of business with shorter notice than 15 days.

(2) The Secretary shall give intimation to the member that the resolution has been admitted or disallowed, as the case may be, and if the resolution is disallowed, by what authority and under what provision.

Form and contents.

2. Subject to the restrictions contained in the Rules and the provisions of the Standing Orders, a member may move a resolution relating to a matter of general public interest:

Provided that no resolution shall be admissible which does not comply with the following conditions, namely:—

(*a*) it shall be clearly and precisely expressed and shall raise one definite issue; and

(*b*) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

Disallowance or amendment by Speaker.

3. The Speaker may amend or disallow a resolution which in his opinion does not comply with the Standing Orders.

Reference to Assembly Committee.

4. (1) The Member of the Government in charge of the Department concerned, if a Committee of the Assembly is attached to such department, may refer a resolution which has been admitted for consideration to such Committee and such resolution shall not be entered in the list of business.

(2) The member who gave notice of the resolution shall be entitled to give fresh notice of the same after the expiry of four months from the date of the original notice if the Committee have not arrived at any decision on the resolution or if the member is dissatisfied with the decision arrived at; on such fresh notice and subject to the provisions of the Rules and Standing Orders, the resolution shall be entered in the list of business.

Motion and withdrawal of resolutions.

5. (1) A member in whose name a resolution appears on the list of business shall, when called on, either—

(*a*) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect: or

(*b*) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business.

(2) If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the Speaker, move the resolution standing in his name. But if no member has been so authorised, or such permission is not granted, the resolution shall be deemed to have been withdrawn.

6. Except with the permission of the Speaker, no speech on a resolution shall exceed fifteen minutes in duration:

Duration of speeches.

Provided that the mover of a resolution, when moving the same (but not the mover of an amendment) and the Member of the Government in charge of the Department concerned when speaking for the first time, may speak for thirty minutes.

7. The discussion of a resolution shall be strictly limited to the subject of the resolution.

Limits of discussion.

8. (1) When a resolution is under discussion, a member may, subject to the Rules and Standing Orders relating to resolutions, move an amendment to such resolution.

Amendments: Notice: Disallowance.

(2) No notice of an amendment is required, but, unless a copy of the amendment is given to the Secretary on the day preceding that on which it is to be moved, the Speaker shall, on the request of the Member in charge of the Department concerned, adjourn further discussion on the resolution to the following day:

Provided that the Speaker, with the consent of the Member of the Government in charge of the Department concerned, may allow an amendment to be moved with less notice.

(3) The Speaker may disallow an amendment which in his opinion does not comply with the Standing Orders and on the objection of the Member of the Government in charge of the Department concerned that the amendment contravenes the Rules, shall disallow such amendment.

9. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Assembly.

Withdrawal of resolution.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the Speaker.

10. (1) When an amendment to any resolution is moved, the Speaker shall, before taking the sense of the Assembly thereon, read to the Assembly the terms of the original resolution and of any amendment thereto.

Putting the question—Order of amendments and resolution.

(2) It shall be in the discretion of the Speaker to put first to the vote either the original motion or any of the amendments which may have been brought forward.

(3) When any resolution involving several points has been discussed, it shall be in the discretion of the Speaker to divide the resolution and to put each or any point separately to the vote as he may think fit.

Division of resolution.

11. A resolution of which notice has been given by a non-official member and which has been admitted, if it is not moved during the Session, shall be deemed to have been withdrawn.

Resolutions not moved.

12. (1) When a resolution has been moved in the Assembly, no resolution or amendment of a resolution raising substantially the same question shall be moved within one year from the date of such motion.

Repetition of resolutions.

(2) When a resolution has been disallowed under the Rules or Standing Orders or has been withdrawn with the leave of the Assembly, no resolution raising substantially the same question shall be moved during the same Session.

XI.—Financial Business.

1. A copy of the Budget and the detailed estimates shall be placed upon the table for the use of the members of the Assembly on the day of the presentation of the Budget and shall also be despatched to each member of the Assembly at least fourteen days prior to the first of the days allotted for the voting of demands for grants under Rule 29 and at least seven days prior to the first of the days allotted for the general discussion of the Budget:

Supply of copies of Budget to members.

Provided that any delay in the presentation or the despatch may be condoned by the Speaker in the case of any circumstances beyond the control of Government.

1A. When the demands made in accordance with Rule 26, 31 or 32A relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible.

Supply of details of new scheme to members.

2. No discussion of the Budget shall take place on the day on which it is presented.

Budget not discussed on presentation.

3. Notice of a motion under Rule 30 shall be given three clear days before the first day of the voting of demands for grants under Rule 29.

Notice of motions.

Provided that the Speaker with the consent of the Member of Government in charge of the Department concerned may allow such a motion to be moved with less notice.

4. [*Deleted.*]

XII.—Miscellaneous.

1. (1) Journals shall be kept in which all the proceedings of the Assembly and of Select Committees shall be entered in the order in which they occur and the names of the members present. The Journal of the Assembly shall be submitted after each meeting to the Speaker for his confirmation and signature, and when signed shall be the record of the proceedings of the Assembly. The proceedings of each meeting of the Assembly shall be published as soon after the meeting as can be conveniently arranged.

Assembly Records.

(2) All documents ordered to be printed or recorded shall be referred to in the Journal, and after being authenticated by the signature of the Secretary shall be kept with the Records.

Disallowed Questions and Resolutions.

2. A resolution or question that has been disallowed shall not be entered in the proceedings of the Assembly.

Duties of Secretary.

3. The Secretary shall attend at every meeting of the Assembly and of a Select Committee, and in addition to the other duties specially required by the Rules or Standing Orders it shall be his duty—

(*a*) to take charge of the Records of the Assembly;

(*b*) to keep the Journals of the Assembly and of the Select Committees;

(*c*) to keep a minute book, in which he shall enter all the proceedings of the Assembly, and of the Select Committees in the order in which they occur and the names of the members present;

(*d*) to superintend the printing of all Bills and papers ordered to be printed;

(*e*) to assist, at all times, the Assembly and all Committees, in all work connected with their duty;

(*f*) to write all letters ordered by the Assembly or by any Committee;

(*g*) to keep a list of Bills in the form appended to this order and to send a copy of the same to each member as early as possible in each month.

Marginal Notes on Bills.

4. After the passing of a Bill the Secretary shall revise and complete the marginal notes thereof.

Communication to the Assembly.

5. (1) Any communication intended for distribution to the members shall be in English and shall be sent to the Speaker: a sufficient number of copies shall be supplied for distribution to the members.

(2) The Speaker shall decide whether the communication shall be distributed to the members.

Communications to the Governor.

6. Communications from the Assembly to the Governor shall be made through the Speaker, by formal address after motion made and carried in the Assembly.

Standing Order repugnant to any rule void.

6A. Any Standing Order which is repugnant to the provisions of any Rules shall, to the extent of that repugnancy but not otherwise, be void.

General powers of Speaker.

7. The Speaker shall have power to regulate the conduct of business in the Assembly in all matters not provided for in the Act, the Rules or the Standing Orders.

SCHEDULE.

[*See* Standing Order IV 1 (2A)]

Ballot procedure for determining relative precedence of non-official Resolutions.

(1) A member giving notice of more than one resolution shall number his resolutions in the order in which he desires to move them, provided that he may alter such order at any time within the period of notice by intimation given to the Secretary.

(2) The Secretary will keep a numbered list and will enter the name of each member who has given notice of a resolution upon that list.

(3) On the eighth day previous to the commencement of the Session a ballot will be held in the Committee-room before the Secretary at which any member who wishes to attend may do so.

(4) Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

(5) A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

(6) Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under Rule (1) of the Schedule.

Provided that if a resolution to which priority is given under Rule (1) is disallowed the next resolution standing in the member's name may be moved in its place.

(7) Priority on the list shall also entitle a member to priority in respect of his subsequent resolutions; provided that after a member has moved a resolution, he shall not move another resolution until every other member has had an opportunity of moving a resolution standing in his name in the list of business.

Statement showing the various stages of Bills in the Legislative Assembly of the Province of Bombay on the 1st 19

[See Order XII 3 (*g*)]

Serial No.	Title of Bill.	From what source received, with number and date of communication.	Reference to Executive Department, if any.	Date of introduction.	Date of publication in the *Government Gazette* and name of member in charge.	Date of publication of translations of Bill in the *Government Gazette*.	Date of First Reading.	Date on which referred to joint committee, if any.	Date on which report of joint committee is due.	Names of members of joint committee.	Dates of sittings of joint committee.	Date of publication of report of joint committee.
1	2	3	4	5	6	7	8	9	10	11	12	13

Date on which published for eliciting opinions and period of publication.	Date on which referred to Select Committee. Date of recommittal, if any.	Date on which Report is due.	Names of members of Select Committee.	Dates of meetings of Select Committee.	Date of publication of Report.	Date of publication of translations of Report.	Date of presentation of Report.	Date of Second Reading of Bill.	Date of consideration of Bill, clause by clause.	Date of Third Reading and passing.	Date of transmission of Bill to the Council.	Date of the Council agreeing to Bill without amendments.
14	15	16	17	18	19	20	21	22	23	24	25	26

Date of return of Bill from the Council asking concurrence of the Assembly to amendments made by the Council.	Date of the Assembly agreeing to amendments made by the Council.	Date of return of Bill to the Council with a message intimating disagreement of the Assembly to amendments made by the Council or with further amendments.	Date of agreement of the Council to Bill as originally passed by the Assembly or as further amended by the Assembly.	Date of return of Bill to the Assembly with a message intimating that the Council insists on amendments to which the Assembly is unable to agree.	Date of the Assembly agreeing to amendments insisted on by the Council.	Date of report by the Assembly of the fact of disagreement to Governor.	Date of joint sitting of both Chambers, if any.	Date on which Bill returned for reconsideration and date of reconsideration.	Date of assent by His Excellency the Governor.	Date of publication and number of Act.	Remarks.
27	28	29	30	31	32	33	34	35	36	37	38

By order of His Excellency the Governor of Bombay,

C. W. A. TURNER,

Chief Secretary to the Government of Bombay,
Political and Reforms, Department.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

Adaptations and Modifications under Section 84 (3) of the Government of India Act, 1935.

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POLITICAL AND REFORMS DEPARTMENT.

Bombay Castle, 8th April 1937.

Adaptations and Modifications under Section 84 (3) of the Government of India Act, 1935.

No. R. 363.—Whereas sub-sections (1) and (2) of section 84 of the Government of India Act, 1935 (hereinafter called " the said section "), provide for the making of rules for regulating, subject to the provisions of the said Act, the procedure and the conduct of the business of a Chamber of a Provincial Legislature.

And Whereas it is provided by sub-section (3) of the said section that until rules are made under the said section, the rules of procedure and standing orders in force immediately before the commencement of Part III of the Government of India Act, 1935, with respect to the Legislative Council of the Province shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion.

Now, therefore, in exercise of the powers conferred by sub-section (3) of the said section, the Governor acting in his discretion is hereby pleased to make the following adaptations and modifications in the rules and standing orders of the Legislative Council of the Governor of Bombay made under section 72D of the Government of India Act (hereinafter called " the Rules " and " the Standing Orders "), namely :—

The Rules and Standing Orders shall have effect in their application—

(1) to the Legislative Council of the Province of Bombay constituted under the Government of India Act, 1935 (hereinafter called " the said Council "), as if—

(*a*) for the several references therein to the Bombay Legislative Council constituted under

the Government of India Act and to the President and to the Deputy President of that Council, there were substituted references to the said Council and to the President and to the Deputy President of the said Council respectively ; and

(*b*) the several provisions thereof were modified and adapted to the extent and in the manner mentioned in Schedules I and II hereto annexed ;

(2) to the Legislative Assembly of the Province of Bombay constituted under the Government of India Act, 1935 (hereinafter called " the said Assembly "), as if—

(*a*) for the several references therein to the Bombay Legislative Council constituted under the Government of India Act and to the President and to the Deputy President of that Council, there were substituted references to the said Assembly and to the Speaker and to the Deputy Speaker of the said Assembly respectively ; and

(*b*) the several provisions thereof were modified and adapted to the extent and in the manner mentioned in Schedules III and IV hereto annexed.

SCHEDULE I.

Rule.	Modifications or Adaptations.
1	2
1	In rule 1— (1) in the marginal note the words " and commencement " shall be omitted ; (2) in sub-rule (1) the figure and brackets " (1) " shall be omitted ; (3) sub-rule (2) shall be deleted.
2	In rule 2— (1) After the word and dash " rules— " the following definitions shall be inserted, namely :— ' " Act " means the Government of India Act, 1935 ; " Assembly " means the Legislative Assembly of the Province of Bombay constituted under the Act ; '

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	(2) For the definition of the word "Council" the following shall be substituted, namely :— '"Council" means the Legislative Council of the Province of Bombay constituted under the Act;' (3) For the definition of the expression "Finance Member" the following shall be substituted, namely :— '"Finance Minister" means the Minister appointed by the Governor to perform the functions of the Finance Minister under these rules;' (4) In the definition of the word "*Gazette*" the words "or the *Sind Official Gazette* or both as the case may require" shall be omitted. (5) In the definition of the expression "Member of the Government" the words "a member of the Executive Council or" shall be omitted. (6) After the definition of the expression "Member of the Government" the following definition shall be added, namely :— '"originating Chamber" means the Chamber in which a Bill is originally introduced;' (7) After the definition of the word "Secretary" the following new paragraph shall be added, namely :— "The words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act."
3	In rule 3— (1) sub-rule (2) shall be deleted; and (2) sub-rule (3) shall be re-numbered (2).
5	Rule 5 shall be deleted.
5A	Rule 5A shall be renumbered 5 and in the said rule— (1) in sub-rule (1) the words "the expiration of the term of office of the appointed President of the Council, or" shall be omitted; (2) in sub-rule (1) for the words "an elected" the word "the" shall be substituted and the word "thereof" shall be omitted;

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(3) in sub-rule (3)—
	(*i*) the words " the outgoing President, or, if the office of President is vacant " shall be omitted ;
	(*ii*) for the words " or Chairman " the words " Chairman or the person appointed by the Governor under sub-section (3) read with sub-section (5) of section 65 of the Act," shall be substituted.
	(4) sub-rule (7) shall be deleted.
6	In rule 6—
	(1) for the words " shall allot " the words " may allot " shall be substituted ;
	(2) for the words " local Government " the word " Governor " shall be substituted.
6A	After rule 6 the following shall be inserted, namely—
" 6A.	The Governor acting in his discretion may—
Governor's power to give precedence to special business.	
	(*a*) at the commencement of a Session of the Council, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence ;
	(*b*) at any time during a Session, require that any business of the nature referred to in clause (*a*) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence."
7	In rule 7 for the words " Local Government " the words " Provincial Government " shall be substituted.
8	In rule 8 for the proviso to sub-rule (1) and for sub-rule (2) the following shall be substituted, namely :—
	" (2) No question shall be asked in regard to any matter which is under adjudication by a court of law having jurisdiction in any part of His Majesty's Dominions.
	(3) The Governor acting in his discretion may at any time before a question is asked inform the President that he disallows the question or any part of the question on the ground that it

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

affects the discharge by him of his functions in so far as he is required by or under the Act to act in his discret on or to exercise his individual judgment and if he does so the question or part of the question shall not be entered in the list of business or, if it has been so entered, the President shall decline to allow the question to be put.

(4) (*a*) No question shall be asked save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—

(*i*) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince ;

(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof ;

(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(*b*) No question shall be asked on any matter connected with any Indian State unless the Governor acting in his discretion—

(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and

(*ii*) has given his consent to the question being asked.

(*c*) If the President is of opinion that a question is or may be one which cannot be asked save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the question, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the question may be put, it shall not be entered in the list of business.

(*d*) Notwithstanding the fact that the President has made no reference under clause (*c*), if the Governor acting in his discretion considers that any question or part of a question is one which cannot be asked without his consent he may withhold his consent to the asking of the question and, on communication to the President of his decision which shall be final, the question shall not be entered in the list of business or, if it has been so entered, the President shall decline to allow the question to be put.

(*e*) The President shall disallow any supplementary question if in his opinion it infring s the foregoing rules. "

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
	2
9	In rule 9—
	(1) for the words " the Governor General in Council or the Secretary of State and the local Government " the words " His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or the Central Government or the Secretary of State and the Provincial Government " shall be substituted ;
	(2) At the end of the rule, the following shall be added, namely :—
	" *Explanation.*—For the purposes of this rule, the expression " the Central Government " shall mean—
	(*a*) before the establishment of the Federation, the Governor General acting in his discretion or in Council, and
	(*b*) after the establishment of the Federation the Governor General acting in his discretion or with the aid and advice of ministers (whether exercising his individual judgment or not). "
12A	In sub-rule (2) of rule 12A for the figures " 36 " in both the places where they occur the figure " 9 " shall be substituted.
	After rule 12A the following shall be insented, namely :—
	" 12B. Any resolution to remove the President from office of which the notice as required under section 65 of the Act has been given shall be read to the Council by the President who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places and if not less than 9 members rise accordingly the President shall allow the resolution to be moved. If less than 9 members rise, the President shall inform the member who may have given the notice that he has not the leave of the Council to move it.
	Resolution for removal of President.
	12C. (1) If a member finds that at any time he is unable to attend the meetings of the Council for a period of sixty consecutive days computed in the manner provided in section 68 of the Act, he shall apply for permission of the Council to be so absent.
	Vacation of seat of a member on account of absence for sixty days.
	(2) Such application shall, as soon as may be after receipt, be read out by the President to the Council and the President shall decide the manner in which the decision of the Council shall be taken on such application.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(3) The Secretary shall inform the member, as soon as possible, of the decision of the Council on his application. (4) If a member is absent without permission from all meetings of the Council for a period of sixty consecutive days or more, computed in the manner provided in section 68 of the Act, the President shall bring that fact to the notice of the Council and shall decide the manner in which the decision of the Council shall be taken in the matter. (5) If the Council declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor and to the member. (6) The Secretary shall keep a list showing the attendance of each member and such list shall be made available for inspection by members."
13	Rule 13 shall be deleted.
14	(1) In rule 14, for the word "vernacular" the word "language" shall be substituted ; (2) To rule 14, the following explanation shall be added, namely :— "*Explanation.*—For purposes of this rule 'recognised language' shall mean any one of the following languages, namely, *Gujarati*, *Marathi*, *Kanarese* and *Urdu*."
17	In sub-rule (2) of rule 17, after the word "accordingly" the words "The member so directed to be absent shall not be deemed to be absent for the purposes of sub-section (4) of section 68 of the Act." shall be inserted.
19	For sub-rules (2) to (4) of rule 19, the following shall be substituted, namely :— "(2) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the President, cannot be introduced or moved save with previous sanction, the President shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the list of business unless the Governor has indicated to the President that the previous sanction required has been granted. (3) If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction the question shall be

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

referred to the authority which would have power to grant the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days expiring on the day previous to the day on which the motion is made."

20B & 20C — For rules 20B and 20C the following shall be substituted, namely :—

Power to re-introduce Bills.

" 20B. (1) Where a Bill is returned to the Council under section 75 or 76 of the Act with a message requesting that the Council will reconsider the Bill or any specified provisions thereof or will consider the desirability of introducing such amendments as may be recommended in the message, a motion may be made for leave to reintroduce the Bill.

(2) A message in regard to Bills returned for reconsideration under section 75 or 76 of the Act shall be communicated to the Council by the President and shall be endorsed on the Bills.

(3) Where a Bill has been introduced after a recommendation under sub-rule (1), a motion may be made in respect of the Bill notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same Session :

Provided that no dilatory motion shall be made in connection with such Bill without the consent of the member in charge of the Bill, and, if any such motion has been made but has not been carried prior to the communication to the Council of the recommendation, such motion shall not be put to the Council.

(4) When a Bill which has been passed is returned by the Governor to the Council for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the President may consider most convenient for their consideration by the Council.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2
	6

(5) Subject to the provisions of this rule, the ordinary procedure of the Council in regard to Bills shall, so far as may be, apply in regard to such Bills.

(6) For the purposes of this rule "a dilatory motion" means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

Procedure regarding address on draft Bills sent under section 90 (2).

20C. (1) Where a message has been sent to the Council by the Governor, attaching a draft of a Bill which the Governor proposes to enact under the provisions of section 90 of the Act, the message shall, as soon as may be after receipt, be read out to the Council by the President and the copies of the draft of the Bill sent with the message shall be laid on the Council table. Any member may thereupon after giving three days' notice move that such draft may be referred to a Special Committee for a report thereon notwithstanding that such motion raises a question substantially identical with one on which the Council has already given a decision in the same Session. On such motion the principle of the Bill and its general provisions may be discussed.

(2) The Special Committee shall consist of twelve members who shall be named when the motion for reference to the Special Committee is made. Five members of the Committee shall form a quorum. The Committee shall elect its own Chairman.

(3) The Special Committee shall consider the draft Bill and the Governor's message and shall report within a period of two weeks from the date of the reference, unless the Council directs the report to be made sooner or grants an extension of the said period, whether in its opinion, an address should be presented. If the Special Committee is of opinion that an address should be presented, it shall include in its report a draft of the address which it proposes.

(4) The Chairman of the Special Committee, after presenting the report, shall move that the report be taken into consideration:

Provided that no such motion shall be made unless copies of the report have been despatched to each member of the Council four clear days before the date on which such motion is made, unless the President allows the motion to be made earlier.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

(5) If the motion that the report be taken into consideration is carried, amendments may be moved to the draft address.

(6) Notice of motions for the amendments to the draft address shall be sent to the Secretary not later than two days before the day fixed for the consideration of the report:

Provided that the President may dispense with such notice or may allow the motion to be made earlier.

(7) After the consideration of the report, the Chairman of the Special Committee shall move that the report and the draft address or the draft address as amended by the Council, be adopted.

(8) Any action to be taken by the Chairman of the Special Committee under sub-rule (4) or (7) shall, in the absence of the Chairman, be taken by such member of the Committee as the President may nominate in this behalf.

(9) Except as otherwise provided, the procedure of the Select Committee appointed in the case of a Bill and the procedure for the disposal of a Bill reported on by a Select Committee shall be followed, as far as may be practicable, in the proceedings under this rule:

Provided that no dilatory motion shall be moved at any stage in such proceedings.

(10) An address shall be strictly relevant to the questions raised in the Governor's message and shall not include any matter prohibited by paragraph 7 of Standing Order V.

(11) The President shall forthwith communicate to the Governor the proceedings of the Council in relation to the Bill.

Explanation.—In this rule, the expression 'dilatory motion' shall have the same meaning as is assigned to it in rule 20B."

21 For rule 21 the following shall be substituted, namely:—

"21. A certificate by the Governor under sub-section (2) of section 86 of the Act in respect of any Bill or any clause of a Bill or any amendment to a Bill directing that no further proceedings shall be taken thereon may be made by message and shall be communicated to the Council by the President. On receipt of such a certificate, all notices of motions in connection with the subject-matter of the certificate shall lapse and if any such motion has not already been set down on the list of business, it shall not be so set down. If any such motion has been set down on the list

Effect of certification by Governor.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

of business, the President shall, when the motion is reached, inform the Council of the Governor's certificate and the Council shall forthwith without debate proceed to the next item of business. If any such motion has been reached and is under discussion when the certificate is received, the President shall forthwith inform the Council of the Governor's certificate and the Council shall forthwith without further debate proceed to the next item of business."

After rule 21 the following shall be inserted, namely :—

Bills passed by the Council to be transmitted to the Assembly.

"21A. (1) Every Bill which has been passed by the Council shall be transmitted Assembly.

(2) Copies of every Bill passed by the Assembly and transmitted to the Council shall be laid on the table of the Council.

No leave for introduction of a Bill transmitted under rule 21A.

21B. After a Bill has been laid on the table of the Council under rule 21A, it shall not be necessary to make a motion for leave to introduce the same in the Council and if the Bill is afterwards introduced it shall not be necessary to publish it.

Notice.

21C. At any time after copies of such Bill have been laid on the table, any Member of the Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move the Bill and thereupon the provisions of the Rules and Standing Orders of the Council regarding the procedure relating to the passing of Bills, shall, subject to the provisions of rules 21B to 21I, apply.

Reference to Select Committee.

21D. After such Bill has been moved, if the Bill has already been referred to a Select Committee of the Assembly or to a joint Committee of both the Chambers, no motion shall be made and no amendment shall be moved that the Bill be referred to a Select Committee.

Bills passed without amendments.

21E. If the Bill is passed by the Council without amendments a message shall be sent to the Assembly intimating that the Council has agreed to the Bill without any amendments.

Bills passed with amendments.

21F. If the Bill is passed with amendments by the Council the Bill shall be returned to the Assembly with a message asking for the concurrence of the Assembly to the amendments;

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

Return of the amended Bill to the Council.

21G. When a Bill which has originated in the Council has been amended in the Assembly and is returned to the Council asking the concurrence of the Council to the amendments, copies of the Bill so amended shall be laid on the table of the Council.

Appointment of time for consideration of amendments.

21H. After an amended Bill has been laid on the table under rule 21G, any Member of the Government in the case of a Government Bill or, in any other case, any member, after giving seven days' notice or with the consent of the President, without notice or with notice of a lesser period, may move that the amendments be taken into consideration.

Procedure consequent on consideration of amendment.

21I. (1) If the Council agrees to the amendments made by the Assembly in the Bill returned under rule 21G a message intimating its agreement shall be sent to the Assembly.

(2) If the Council, without passing any further amendments, disagrees with the amendments made by the Assembly, or any of them, the Bill with a message intimating its disagreement shall be sent to the Assembly.

(3) If the Council passes further amendments which are not entirely in conformity with the amendments made by the Assembly, the Bill as further amended with a message to that effect shall be transmitted to the Assembly.

(4) If the Bill has originated in the Assembly and is returned to the Council by the Assembly with a message intimating the disagreement of the Assembly to the amendments made by the Council or any of them, or with amendments not entirely in conformity with the amendments made by the Council, the Council may either agree to the Bill as originally passed in the Assembly or as further amended by the Assembly, as the case may be, or may return the Bill with a message that it insists on one or more of its own amendments with which the Assembly has disagreed.

(5) If the Bill has originated in the Council, and is again returned to the Council with a message intimating that the Assembly insists on amendments to which the Council is unable to agree, the Council may either agree to such amendments or report the fact of disagreement to the Governor.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	20

Joint Committees.

21J. (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of that Chamber who are to serve on the Committee. On a Joint Committee an equal number of members of each Chamber shall be nominated.

(3) The Chairman of the Committee shall be selected by the Committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of meeting of the Committee shall be fixed by the President of the Council.

Discussion of Governor's ordinances.

21K. As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Council. After a resolution disapproving the ordinance has been passed by the Assembly and forwarded to the Council with a message asking for its concurrence, any member may, within six weeks of the reassembly of the Council and giving three days' notice to the Secretary, move a resolution agreeing to the resolution passed by the Assembly."

21A, The present rule 21A shall be deleted.

22 For rules 22 and 23, the following shall be substituted, and namely :—

23.

Power to disallow resolutions.

"22 (1) The Governor acting in his discretion may at any time before the resolution is moved, inform the President that he disallows any resolution or any part of a resolution on the ground that it relates to or affects the discharge of any of the functions of the Governor in so far as he is by or under the Act required to act in his discretion or exercise his individual judgment, and if he does so, the resolution or part of the resolution shall not be placed on the list of business or if it has been placed on the list of business, it shall not be moved.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

(2) The President may disallow any resolution or part of a resolution on the ground that it relates to a matter which is not primarily the concern of the Provincial Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.

(3) The provisions of sub-rules (1) and (2) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Council for the purpose of discussing any matter of urgent public importance.

Restrictions on subject matter or discussion.

23 (1) Every resolution shall be in the form of a specific recommendation addressed to the Provincial Government.

(2) No resolution shall be moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

(3) (*a*) No resolution shall be moved save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—

(*i*) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince ;

(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof ;

(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(*b*) No resolution shall be moved on any matter connected with any Indian State unless the Governor acting in his discretion :—

(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and

(*ii*) has given his consent to the resolution being moved.

(*c*) If the President is of opinion that a resolution is or may be one which cannot be moved save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the resolution, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the resolution may be moved, it shall not be entered in the list of business.

SCHEDULE I—*contd.*

Rule.	Modifications or Adaptations.
1	2

(*d*) Notwithstanding the fact that the President has made no reference under clause (*c*), if the Governor acting in his discretion considers that any resolution or part of a resolution is one which cannot be moved without his consent he may withhold his consent to the moving of the resolution and, on communication to the President of his decision which shall be final, the resolution shall not be entered in the list of business or, if it has been so entered, the President shall decline to allow the resolution to be moved.

(4) The provisions of sub-rules (2) and (3) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Council for the purpose of discussing any matter of urgent public importance."

24 In rule 24, for the word "Government" where it occurs at both the places the words "Provincial Government" shall be substituted.

24A In rule 24A—

(1) in sub-rule (1)—

(*i*) the words "Government of India" shall be omitted;

(*ii*) for the word "resolution" where it occurs for the first time the word "motion" shall be substituted;

(2) for sub-rules (2) and (3), the following shall be substituted, namely :—

"(2) The provisions of rules 22 and 23 shall, so far as may be, apply to all such motions."

25 For rule 25, the following shall be substituted, namely :—

"25. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as "the Budget") shall be presented to the Council on such day in the preceding financial year as the Governor exercising his individual judgment may appoint :

Presentation of Budget.

Provided that the provisions of paragraph five of the Government of India (Commencement and Transitory Provisions) Order, 1936, shall apply as regards the Budget for the financial year 1937-38".

26 For rule 26 the following shall be substituted, namely :—

"26. The Budget shall be presented in such form as the Finance Minister may consider best fitted for its consideration by the Council."

Form of Budget.

SCHEDULE I—*concld.*

Rule.	Modifications or Adaptations.
1	2
27	Rule 27 shall be deleted.
28	In rule 28—

(1) for sub-rule (1) the following shall be substituted, namely :—

"28. (1) On a day or days to be appointed by the Governor exercising his individual judgment, subsequent to the day on which the Budget is presented and for such time as the Governor, exercising his individual judgment, may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved, nor shall the Budget be submitted to the vote of the Council."

General discussions.

(2) In sub-rule (2) for the words 'Finance Member' the words 'Finance Minister' shall be substituted and after the word 'discussion' the following words shall be added, namely :—

"Provided that the Governor, exercising his individual judgment, may appoint any minister or any member to exercise such general right of reply."

After rule 28 the following shall be inserted, namely :—

"28A. Demands for grants made under rule 32A of the Bombay Legislative Assembly Rules shall be presented to the Council on such day as the Governor, exercising his individual judgment, may appoint and shall be dealt with in the same manner as the Budget.

Further demands for grants.

28B. (1) The Governor, exercising his individual judgment, may, from time to time, allot a day for the presentation of a supplementary statement of expenditure.

Supplementary statement of expenditure.

(2) The Governor, exercising his individual judgment, shall allot one or more days not earlier than three days after the day allotted for such presentation for discussion of the estimates of expenditure other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of section 78 of the Act ; but no motion shall be moved, nor shall the supplementary statement be submitted to the vote of the Council."

29 to 34 Rules 29 to 34 shall be deleted.

SCHEDULE II.

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
I	1	In clause (*e*) of paragraph 1 of Standing Order I, after the word "Bombay" the words "and deemed to have effect in relation to the Council under section 84 of the Act" shall be added at the end. After clause (*e*) of paragraph 1 of Standing Order I, the following shall be added, namely :— "(*f*) The words and expressions used in the Act and the rules and not defined in these Standing Orders shall have the meanings assigned to them in the Act and the rules respectively."
II	1 and 3	In paragraphs 1 and 3 of Standing Order II, after the word "Governor" the words "in his discretion" shall be inserted. In sub-paragraph (3) of paragraph 3 of Standing Order II, the words "and motions to amend the Standing Orders which have been referred to a Select Committee" shall be omitted.
III	1	For sub-paragraphs (3) and (4) of paragraph 1 of Standing Order III the following shall be substituted, namely :— "(3) The President shall read out to the Council the names of the candidates together with those of their proposers and seconders and if only one member has been proposed for election shall declare that member duly elected. If more than one member has been proposed, the Council shall proceed to elect a Deputy President by ballot. (4) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and ballotting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

SCHEDULE II—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		(5) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from election under sub-paragraph (4), the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots.
		(6) The provisions of sub-paragraphs (2) to (5) shall, so far as may be, apply to any election to fill a vacancy in the office of the Deputy President which may occur at any other time."
IV	1	(1) In sub-paragraph (1) of paragraph 1 of Standing Order IV,—
		(*a*) for the word "Government" where it occurs for the first time, the word "Governor" shall be substituted;
		(*b*) for the word "it" the word "he" shall be substituted; and
		(*c*) for the words "and motions to amend standing orders" the words "and motions relating to Bills returned for reconsideration under section 75 or 76 of the Act" shall be substituted.
		(2) To sub-paragraph (1) of paragraph 1 of Standing Order IV, the following proviso shall be added, namely :—
		"Provided that nothing contained in this sub-paragraph shall affect the provisions of rule 6A."
		(3) In sub-paragraph (2) of paragraph 1 of Standing Order IV, for the words "Rule 6" the words "Rules 6 and 6A" shall be substituted.
		(4) For sub-paragraph (3) of paragraph 1 of Standing Order IV, the following shall be substituted, namely :—
		"(3) (*a*) On a day allotted for the disposal of non-official business, non-official Bills shall have relative precedence in the following order, namely :—
		(*i*) Bills returned to the Council under sub-rule (4) of rule 21I of the Bombay Legislative Assembly Rules;
		(*ii*) Bills sent to the Council under sub-rule (2) of rule 21I of the Bombay Legislative Assembly Rules;

SCHEDULE II—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		(*iii*) Bills transmitted to the Council under sub-rule (3) of rule 21I of the Bombay Legislative Assembly Rules ;
		(*iv*) Bills returned to the Council under rule 21F of the Bombay Legislative Assembly Rules ;
		(*v*) Bills transmitted to the Council under rule 21A of the Bombay Legislative Assembly Rules ;
		(*vi*) Bills introduced in the Council in respect of which the next stage is that a Bill shall be read a third time and be passed ;
		(*vii*) Bills introduced in the Council in respect o which a motion has been carried that the Bill be read a second time ;
		(*viii*) Bills introduced in the Council in respect of which the report of a Joint or Select Committee has been presented ;
		(*ix*) Bills introduced in the Council in respect of which the next stage is the presentation of the report of a Joint or Select Committee ;
		(*x*) Bills introduced in the Council and which have been circulated for the purpose of eliciting opinions ; and
		(*xi*) other Bills introduced or to be introduced in the Council.
		(*b*) Subject to the provisions of paragraph 14 of Standing Order VIII Bills to be introduced in the Council shall have priority in the order of the dates on which notices of them were given ; Bills introduced in the Council shall have priority in the order of the dates of their introduction ; and all other Bills shall have priority in the order of the dates on which they first become fit for the consideration of the Council."
IV	2	(1) In sub-paragraph (2) of paragraph 2 of Standing Order IV, the following shall be added at the end, namely :—
		" Provided that the Governor acting in his discretion may direct that any business of the nature referred to in rule 6A shall be transacted on any day allotted for such business notwithstanding that it is not included in the list of business for the Session."

SCHEDULE II—*contd.*

Standing Order. S. O.	Para.	Modifications or Adaptations.
1		2
		(2) After sub-paragraph (2) of paragraph 2 of Standing Order IV, the following shall be inserted, namely :—
		"(2A) The Secretary shall prepare an order of business for the day and a copy thereof shall be made available for the use of every member. Save as otherwise provided in the Rules or the Standing Orders, no business not included in the order of business for the day shall be transacted at any meeting without the leave of the President."
		(3) In sub-paragraph (3) of paragraph 2 of Standing Order IV, after the words "the list of business" the words "or the order of business for the day" shall be inserted.
IV	3	In paragraph 3 of Standing Order IV, after the word "business" the words "not being business of the nature referred to in rule 6A" shall be inserted.
IV	4	In sub-paragraph (1) of paragraph 4 of Standing Order IV, for the words "or of a motion to amend the Standing Orders which has been reported on by a Select Committee" the words "not being a Bill sent under section 90 of the Act" shall be substituted.
IV	5	In paragraph 5 of Standing Order IV, for the words "in the prescribed manner" the words "in the manner prescribed in the Act" shall be substituted.
IV	8	After paragraph 7 of Standing Order IV, the following shall be inserted, namely :—
		"8. (1) The Secretary shall make every effort to circulate to each member a copy of every notice which is required to be given as well as a copy of any other paper which is required to be made available for the use of the members under the Rules or the Standing Orders. Notice to members.
		(2) Such notice or other paper shall be deemed to have been given or made available for the use of every member, if a copy thereof is exhibited on the notice board at the office of the Council and despatched to the address of every member :

SCHEDULE II—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		Provided that when the Council is in Session such notice or paper shall be deemed to be despatched to each member, if it is deposited in such place at the Council Chamber as may be appointed in this behalf by the President."
V	1	For paragraph 1 of Standing Order V, the following shall be substituted, namely :—
		"1. No adjournment of the Council and no suspension of any meeting thereof shall be ordered under sub-section (3) of section 66 of the Act unless a warning bell is rung for three minutes in the library and the refreshment room to enable absent members to resume their places." (Adjournment for want of quorum.)
V	7	For clause (*iv*) of sub-paragraph (2) of paragraph 7 of Standing Order V, the following shall be substituted, namely :—
		"(*iv*) reflect upon the conduct of His Majesty the King, or the Governor General, or His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States or any Governor, as distinct from the Governor-General in Council and after the establishment of the Federation under the Act the Federal Government or any Provincial Government, or any Court of Justice in the exercise of its judicial functions ;"
VII	1	In sub-paragraph (3) of paragraph 1 of Standing Order VII, for the figures "25" where they occur at both the places, the figure "7" shall be substituted.
VIII	6	For sub-paragraph (2) of paragraph 6 of Standing Order VIII, the following shall be substituted, namely :—
		"(2) The Member in charge of the Department concerned with the Bill shall, if he is a member of the Council, be the Chairman unless he waives his right to be Chairman. If the Member in charge of the Department concerned with the Bill is not a member of the Council or if he waives his right to be the Chairman, the Committee shall appoint another member to be its Chairman. In the absence of the Chairman at any meeting, the members shall appoint a Chairman for that meeting. In the case of an equality of votes, the Chairman shall have a second or casting vote".

SCHEDULE II—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
VIII	8	In paragraph 8 of Standing Order VIII, for the figures and words "15 clear days before the date appointed for the Session" the figure and words "7 clear days before the date on which such motion is made" shall be substituted. After paragraph 8 of Standing Order VIII, the following shall be inserted, namely :— "8A. The foregoing provisions of this Order shall, so far as may be practicable, apply to any Bill committed to a Joint Committee under rule 21J". Applicability of certain provisions to Bills committed to Joint Committee.
VIII	12	(1) In sub-paragraph (1) of paragraph 12 of Standing Order VIII, for the words "Legislative Council of the Governor of Bombay" the words "Legislative Council of the Province of Bombay" shall be substituted. (2) In sub-paragraph (2) of paragraph 12 of Standing Order VIII, for the words "submitted to the Governor, through the Secretary to Government, Legal Department", the words "transmitted to the Secretary of the Assembly for the consideration of the Assembly" shall be substituted. (3) After sub-paragraph (2) of paragraph 12 of Standing Order VIII, the following sub-paragraph shall be inserted, namely :— "(3) When a Bill in respect of which the originating Chamber is the Council and which after it has been passed by the Council is passed by the Assembly without any further amendments, or when the Council agrees to the amendments made in the Bill by the Assembly and passes the Bill with those amendments the Secretary shall send the copy of the Bill signed by the President for submission to the Governor through the Secretary to the Government of Bombay, Legal Department".
VIII	13	Paragraph 13 of Standing Order VIII shall be deleted.

SCHEDULE II—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
VIII	14	For paragraph 14 of Standing Order VIII, the following shall be substituted, namely :— "14. If the member in charge of a Bill makes no motion in regard to the same during two complete Sessions, the Bill shall lapse unless the Council, on a motion by that member in the next Session, makes a special order for the continuance of the Bill ". Dropped Bills.
IX		Standing Order IX shall be deleted.
XI	1	In paragraph 1 of Standing Order XI, the words " at least fourteen days prior to the first of the days allotted for the voting of demands for grants under rule 27 and " and the second proviso shall be omitted.
XI	1A, 3, 4.	Paragraphs 1A, 3 and 4 of Standing Order XI shall be deleted.
XII	6	After paragraph 6 of Standing Order XII, the following shall be inserted, namely :— "6A. Any Standing Order which is repugnant to the provisions of any Rules shall, to the extent of that repugnancy but not otherwise, be void. " Standing Order repugnant to any rule void.
		For the statement showing the various stages of Bills appended to Standing Order XII, the following shall be substituted, namely :—

"Statement showing the various Stages of Bills in the Legislative Council of the Province of Bombay on the 1st 19 .

[See Order XII 3 (g)]

Serial No.	Title of Bill.	From what source received, with number and date of communication.	Reference to Executive Department, if any.	Date of introduction.	Date of publication in the *Government Gazette* and name of member in charge.	Date of publication of translations of Bill in the *Government Gazette*.	Date of First Reading.	Date on which referred to joint committee, if any.	Date on which report of joint committee is due.	Names of members of joint committee.	Dates of sittings of joint committee.	Date of publication of report of joint committee.
1	2	3	4	5	6	7	8	9	10	11	12	13

Date on which published for eliciting opinions and period of publication.	Date on which referred to Select Committee. Date of recommittal, if any.	Date on which report is due.	Names of members of Select Committee.	Dates of meetings of Select Committee.	Date of publication of report.	Date of publication of translations of report.	Date of presentation of report.	Date of Second Reading of Bill.	Date of consideration of Bill, clause by clause.	Date of Third Reading and passing.	Date of transmission of Bill to the Assembly.	Date of the Assembly agreeing to Bill without amendments.
14	15	16	17	18	19	20	21	22	23	24	25	26

Date of return of Bill from the Assembly asking concurrence of the Council to amendments made by the Assembly.	Date of the Council agreeing to amendments made by the Assembly.	Date of return of Bill to the Assembly with a message intimating disagreement of the Council to amendments made by the Assembly or with further amendments.	Date of agreement of the Assembly to Bill as originally passed by the Council or as further amended by the Council.	Date of return of Bill to the Council with a message intimating that the Assembly insists on amendments to which the Council is unable to agree.	Date of the Council agreeing to amendments insisted on by the Assembly.	Date of report by the Council of the fact of disagreement to Governor.	Date of joint sitting of both Chambers, if any.	Date on which Bill returned for reconsideration and date of reconsideration.	Date of assent by His Excellency the Governor.	Date of publication and number of Act.	Remarks.
27	28	29	30	31	32	33	34	35	36	37	38

24

SCHEDULE III.

Rule.	Modifications or Adaptations.
1	2
1	In rule 1—
	(1) in the marginal note the words "and commencement" shall be omitted;
	(2) in sub-rule (1) the figure and brackets "(1)" shall be omitted and for the words "Council Rules" the words "Assembly Rules" shall be substituted;
	(3) sub-rule (2) shall be deleted.
2	In rule 2—
	(1) after the word and dash "rules—" the following definitions shall be inserted, namely:—
	'"Act" means the Government of India Act, 1935;
	"Assembly" means the Legislative Assembly of the Province of Bombay constituted under the Act;'
	(2) For the definition of the word "Council" the following shall be substituted, namely:—
	'"Council" means the Legislative Council of the Province of Bombay constituted under the Act;'
	(3) For the definition of the expression "Finance Member" the following shall be substituted, namely:—
	'"Finance Minister" means the Minister appointed by the Governor to perform the functions of the Finance Minister under these rules;'
	(4) In the definition of the word "Gazette" the words "or the *Sind Official Gazette* or both as the case may require" shall be omitted.
	(5) In the definition of the expression "Member of the Government" the words "a member of the Executive Council or" shall be omitted.
	(6) After the definition of the expression "Member of the Government", the following definition shall be added, namely:—
	'"originating Chamber" means the Chamber in which a Bill is originally introduced;'
	(7) After the definition of the word "Secretary" the following shall be added, namely:—
	"The words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act."

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations
1	2
3	In rule 3— (1) sub-rule (2) shall be deleted ; and (2) sub-rule (3) shall be renumbered (2).
5	Rule 5 shall be deleted.
5A	Rule 5A shall be renumbered 5 and in the said rule— (1) in sub-rule (1) the words " the expiration of the term of office of the appointed President of the Council, or " shall be omitted ; (2) in sub-rule (1) for the words " an elected " the word " the " shall be substituted and the word " thereof " shall be omitted. (3) in sub-rule (3)— (*i*) the words " the outgoing President, or, if the office of President is vacant " shall be omitted ; (*ii*) for the words " or Chairman " the words ", Chairman or the person appointed by the Governor under sub-section (3) of section 65 of the Act " shall be substituted. (4) sub-rule (7) shall be deleted.
6	In rule 6— (1) for the words " shall allot ", the words " may allot " shall be substituted ; (2) for the words " local Government " the word " Governor " shall be substituted.
6A	After rule 6, the following new rule shall be inserted, namely :— Governor's power to give precedence to special business. " 6A. The Governor acting in his discretion may— (*a*) at the commencement of a Session of the Assembly, allot a day or days for business relating to any matter which, in the opinion of the Governor, affects the discharge of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment, and on such day or days such business shall have precedence ; (*b*) at any time during a Session, require that any business of the nature referred to in clause (*a*) shall be taken up on any day or days specified in such requisition, and on such day or days such business shall have precedence."
7	In rule 7, for the words " local Government " the words " Provincial Government " shall be substituted.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
8	In rule 8 for the proviso to sub-rule (1) and for sub-rule (2) the following shall be substituted, namely :—

"(2) No question shall be asked in regard to any matter which is under adjudication by a court of law having jurisdiction in any part of His Majesty's Dominions.

(3) The Governor acting in his discretion may at any time before a question is asked inform the Speaker that he disallows the question or any part of the question on the ground that it affects the discharge by him of his functions in so far as he is required by or under the Act to act in his discretion or to exercise his individual judgment and if he does so the question or part of the question shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the question to be put.

(4) (*a*) No question shall be asked save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—

(*i*) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince ;

(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof ;

(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.

(*b*) No question shall be asked on any matter connected with any Indian State unless the Governor acting in his discretion—

(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and

(*ii*) has given his consent to the question being asked.

(*c*) If the Speaker is of opinion that a question is or may be one which cannot be asked save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the question, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the question may be put, it shall not be entered in the list of business.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(*d*) Notwithstanding the fact that the Speaker has made no reference under clause (*c*), if the Governor acting in his discretion considers that any question or part of a question is one which cannot be asked without his consent he may withhold his consent to the asking of the question and, on communication to the Speaker of his decision which shall be final, the question shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the question to be put. (*e*) The Speaker shall disallow any supplementary question if in his opinion it infringes the foregoing rules."
9	In rule 9— (1) for the words " the Governor General in Council or the Secretary of State and the local Government " the words " His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or the Central Government or the Secretary of State and the Provincial Government " shall be substituted ; (2) at the end of the rule, the following shall be added, namely :— *Explanation.*—For the purposes of this rule, the expression " the Central Government " shall mean— (*a*) before the establishment of the Federation, the Governor General acting in his discretion or in Council, and (*b*) after the establishment of the Federation, the Governor General acting in his discretion or with the aid and advice of Ministers (whether exercising his individual judgment or not).
12A	In sub-rule (2) of rule 12A for the figures " 36," in both the places where they occur the figures " 50 " shall be substituted. After rule 12A the following shall be inserted, namely :— " 12B. Any resolution to remove the Speaker from office of which the notice as required under section 65 of the Act has been given shall be read to the Assembly by the Speaker who shall then request the members who are in favour of leave being granted to move the resolution to rise in their places and if not less than 50 members rise accordingly, the Speaker shall allow the resolution to be moved. If less than 50 members rise, the Speaker shall inform the member who may have given the notice that he has not the leave of the Assembly to move it. Resolution for removal of Speaker.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	12C. (1) If a member finds that at any time he is unable to attend the meetings of the Assembly for a period of sixty consecutive days computed in the manner provided in section 68 of the Act, he shall apply for permission of the Assembly to be so absent.
	Vacation of seat of a member on account of absence for sixty days.
	(2) Such application shall as soon as may be after receipt be read out by the Speaker to the Assembly and the Speaker shall decide the manner in which the decision of the Assembly shall be taken on such application.
	(3) The Secretary shall inform the member, as soon as possible, of the decision of the Assembly on his application.
	(4) If a member is absent without permission from all meetings of the Assembly for a period of sixty consecutive days or more, computed in the manner provided in section 68 of the Act, the Speaker shall bring that fact to the notice of the Assembly and shall decide the manner in which the decision of the Assembly shall be taken in the matter.
	(5) If the Assembly declares the seat of the member to be vacant, the Secretary shall communicate such declaration to the Governor and to the member.
	(6) The Secretary shall keep a list showing the attendance of each member and such list shall be made available for inspection by members."
13	Rule 13 shall be deleted.
14	(1) In rule 14, for the word "vernacular" the word "language" shall be substituted.
	(2) To rule 14, the following explanation shall be added, namely :—
	"*Explanation.*—For purposes of this rule "recognised language" shall mean any one of the following languages, namely, *Gujarati, Marathi, Kanarese* and *Urdu*."
17	In sub-rule (2) of rule 17, after the word "accordingly" the words "The member so directed to be absent shall not be deemed to be absent for the purposes of sub-section (4) of section 68 of the Act." shall be inserted.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
19	For sub-rules (2) to (4) of rule 19, the following shall be substituted, namely :—

" (2) If notice is given of a motion to introduce a Bill or to move an amendment which, in the opinion of the Speaker, cannot be introduced or moved save with previous sanction, the Speaker shall, as soon as may be after the receipt of the notice, refer the Bill or the amendment to the Governor and the notice shall not be placed on the list of business unless the Governor has indicated to the Speaker that the previous sanction required has been granted.

(3) If any question arises whether a Bill or amendment is or is not a Bill or amendment which cannot be introduced or moved save with previous sanction the question shall be referred to the authority which would have power to grant the previous sanction if it were necessary, and the decision of that authority on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be fifteen days expiring on the day previous to the day on which the motion is made."

20B & 20C — For rules 20B and 20C the following shall be substituted, namely :—

" 20B. (1) Where a Bill is returned to the Assembly under section 75 or 76 of the Act with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof or will consider the desirability of introducing such amendments as may be recommended in the message, a motion may be made for leave to reintroduce the Bill.

Power to reintroduce Bills.

(2) A message in regard to Bills returned for reconsideration under section 75 or 76 of the Act shall be communicated to the Assembly by the Speaker and shall be endorsed on the Bills.

(3) Where a Bill has been introduced after a recommendation under sub-rule (1), a motion may be made in respect of the Bill notwithstanding that such motion raises a question substantially identical with one on which the Assembly has already given a decision in the same Session :

Provided that no dilatory motion shall be made in connection with such Bill without the consent of the member in charge of the Bill, and, if any such motion has been made but has not

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2

been carried prior to the communication to the Assembly of the recommendation, such motion shall not be put to the Assembly.

(4) When a Bill which has been passed is returned by the Governor to the Assembly for reconsideration, the point or points referred for reconsideration or the amendments recommended shall be put before the Assembly by the Speaker, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the Speaker may consider most convenient for their consideration by the Assembly.

(5) Subject to the provisions of this rule, the ordinary procedure of the Assembly in regard to Bills shall, so far as may be, apply in regard to such Bills.

(6) For the purposes of this rule "a dilatory motion" means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

Procedure regarding address on draft Bills sent under section 90 (2).

20C. (1) Where a message has been sent to the Assembly by the Governor, attaching a draft of a Bill which the Governor proposes to enact under the provisions of section 90 of the Act, the message shall, as soon as may be after receipt, be read out to the Assembly by the Speaker and the copies of the draft of the Bill sent with the message shall be laid on the Assembly table. Any member may thereupon after giving three days' notice move that such draft may be referred to a Special Committee for a report thereon notwithstanding that such motion raises a question substantially identical with one on which the Assembly has already given a decision in the same Session. On such motion the principle of the Bill and its general provisions may be discussed.

(2) The Special Committee shall consist of twelve members who shall be named when the motion for reference to the Special Committee is made. Five members of the Committee shall form a quorum. The Committee shall elect its own Chairman.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2

(3) The Special Committee shall consider the draft Bill and the Governor's message and shall report within a period of two weeks from the date of the reference, unless the Assembly directs the report to be made sooner or grants an extension of the said period, whether in its opinion, an address should be presented. If the Special Committee is of opinion that an address should be presented, it shall include in its report a draft of the address which it proposes.

(4) The Chairman of the Special Committee, after presenting the report, shall move that the report be taken into consideration :

Provided that no such motion shall be made unless copies of the report have been despatched to each member of the Assembly four clear days before the date on which such motion is made, unless the Speaker allows the motion to be made earlier.

(5) If the motion that the report be taken into consideration is carried, amendments may be moved to the draft address.

(6) Notice of motions for the amendments to the draft address shall be sent to the Secretary not later than two days before the day fixed for the consideration of the report :

Provided that the Speaker may dispense with such notice or may allow the motion to be made earlier.

(7) After the consideration of the report, the Chairman of the Special Committee shall move that the report and the draft address or the draft address as amended by the Assembly be adopted.

(8) Any action to be taken by the Chairman of the Special Committee under sub-rule (4) or (7) shall, in the absence of the Chairman, be taken by such member of the Committee as the Speaker may nominate in this behalf.

(9) Except as otherwise provided, the procedure of the Select Committee appointed in the case of a Bill and the procedure for the disposal of a Bill reported on by a Select Committee shall be followed, as far as may be practicable, in the proceedings under this rule :

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	Provided that no dilatory motion shall be moved at any stage in such proceedings.
	(10) An address shall be strictly relevant to the questions raised in the Governor's message and shall not include any matter prohibited by paragraph 7 of Standing Order V.
	(11) The Speaker shall forthwith communicate to the Governor the proceedings of the Assembly in relation to the Bill.
	Explanation.—In this rule the expression "dilatory motion" shall have the same meaning as is assigned to it in rule 20B."
21	For rule 21 the following shall be substituted, namely :—
	"21. A certificate by the Governor under sub-section (2) of section 86 of the Act in respect of any Bill or any clause of a Bill or any amendment to a Bill directing that no further proceedings shall be taken thereon may be made by message and shall be communicated to the Assembly by the Speaker. On receipt of such a certificate, all notices of motions in connection with the subject-matter of the certificate shall lapse and if any such motion has not already been set down on the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the Speaker shall, when the motion is reached, inform the Assembly of the Governor's certificate and the Assembly shall forthwith without debate proceed to the next item of business. If any such motion has been reached and is under discussion when the certificate is received, the Speaker shall forthwith inform the Assembly of the Governor's certificate and the Assembly shall forthwith without further debate proceed to the next item of business.
	Effect of certification by Governor.
	After rule 21 the following shall be inserted namely :—
	"21A. (1) Every Bill which has been passed by the Assembly shall be transmitted to the Council.
	Bills passed by the Assembly to be transmitted to the Council.
	(2) copies of every Bill passed by the Council and transmitted to the Assembly shall be laid on the table of the Assembly.
	21B. After a Bill has been laid on the table of the Assembly under rule 21A, it shall not be necessary to make a motion for leave to introduce the same in the Assembly and if the Bill is afterwards introduced it shall not be necessary to publish it.
	No leave for introduction of a Bill transmitted under rule 21A.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2

21C. At any time after copies of such Bill have been laid on the table, any Member of the Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move the Bill and thereupon the provisions of the Rules and Standing Orders of the Assembly regarding the procedure relating to the passing of Bills, shall, subject to the provisions of rules 21B to 21I, apply.

Notice.

21D. After such bill has been moved, if the Bill has already been referred to a Select Committee of the Council or to a joint Committee of both the Chambers, no motion shall be made and no amendment shall be moved that the Bill be referred to a Select Committee.

Reference to Select Committee.

21E. If the Bill is passed by the Assembly without amendments a message shall be sent to the Council intimating that the Assembly has agreed to the Bill without any amendments.

Bills passed without amendments.

21F. If the Bill is passed with amendments by the Assembly the Bill shall be returned to the Council with a message asking for the concurrence of the Council to the amendments.

Bills passed with amendments.

21G. When a Bill which has originated in the Assembly has been amended in the Council and is returned to the Assembly asking the concurrence of the Assembly to the amendments, copies of the Bill so amended shall be laid on the table of the Assembly.

Return of the amended Bill to the Assembly.

21H. After an amended Bill has been laid on the table under rule 21G, any Member of the Government in the case of a Government Bill or, in any other case, any member, after giving seven days notice or with the consent of the Speaker, without notice or with notice of a lesser period, may move that the amendments be taken into consideration.

Appointment of time for consideration of amendments.

21I. (1) If the Assembly agrees to the amendments made by the Council in the Bill returned under rule 21G a message intimating its agreement shall be sent to the Council.

Procedure consequent on consideration of amendment.

(2) If the Assembly, without passing any further amendments, disagrees with the amendments made by the Council, or any of them, the Bill with a message intimating its disagreement shall be sent to the Council.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2

(3) If the Assembly passes further amendments which are not entirely in conformity with the amendments made by the Council, the Bill as further amended with a message to that effect shall be transmitted to the Council.

(4) If the Bill has originated in the Council and is returned to the Assembly by the Council with a message intimating the disagreement of the Council to the amendments made by the Assembly or any of them, or with amendments not entirely in conformity with the amendments made by the Assembly, the Assembly may either agree to the Bill as originally passed in the Council or as further amended by the Council, as the case may be, or may return the Bill with a message that it insists on one or more of its own amendments with which the Council has disagreed.

(5) If the Bill has originated in the Assembly, and is again returned to the Assembly with a message intimating that the Council insists on amendments to which the Assembly is unable to agree, the Assembly may either agree to such amendments or report the fact of disagreement to the Governor.

Joint Committees.

21J. (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of that Chamber who are to serve on the Committee. On a Joint Committee an equal number of members of each Chamber shall be nominated.

(3) The Chairman of the Committee shall be selected by the Committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of meeting of the Committee shall be fixed by the President of the Council.

Discussion of Governor's ordinances.

21K. As soon as possible after the Governor has promulgated an ordinance under section 88 (1) of the Act, printed copies of such ordinance shall be made available to the members of the Assembly. Within six weeks from the reassembly of the

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	Assembly, any member may, after giving three clear days' notice to the Secretary, move a resolution disapproving the ordinance and if such a resolution is passed, it shall be forwarded to the other Chamber with a message asking for its concurrence."
21A	The present rule 21A shall be deleted :—
22 and 23	For rules 22 and 23, the following shall be substituted, namely :—
	"22. (1) The Governor acting in his discretion may at any time before the resolution is moved inform the Speaker that he disallows any resolution or any part of a resolution on the ground that it relates to or affects the discharge of any of the functions of the Governor in so far as he is by or under the Act required to act in his discretion or exercise his individual judgment, and if he does so, the resolution or part of the resolution shall not be placed on the list of business or if it has been placed on the list of business, it shall not be moved. Power to disallow resolutions.
	(2) The Speaker may disallow any resolution or part of a resolution on the ground that it relates to a matter which is not primarily the concern of the Provincial Government, and if he does so, the resolution or part of the resolution shall not be placed on the list of business.
	(3) The provisions of sub-rules (1) and (2) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Assembly for the purpose of discussing any matter of urgent public importance.
	23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Provincial Government. Restrictions on subject matter or discussion.
	(2) No resolution shall be moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.
	(3) (*a*) No resolution shall be moved save with the consent of the Governor acting in his discretion in regard to any of the following subjects, namely :—
	(*i*) any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince ;
	(*ii*) the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof ;

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(*iii*) any matter connected with tribal areas or arising out of or affecting the administration of an excluded area.
	(*b*) No resolution shall be moved on any matter connected with any Indian State unless the Governor acting in his discretion—
	(*i*) is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and
	(*ii*) has given his consent to the resolution being moved.
	(*c*) If the Speaker is of opinion that a resolution is or may be one which cannot be moved save with the consent of the Governor, he shall, as soon as may be after the receipt of the notice of the resolution, forward to the Governor a copy thereof and, unless the Governor (whose decision in the matter shall be final) decides in his discretion that the resolution may be moved, it shall not be entered in the list of business.
	(*d*) Notwithstanding the fact that the Speaker has made no reference under clause (*c*), if the Governor acting in his discretion considers that any resolution or part of a resolution is one which cannot be moved without his consent he may withhold his consent to the moving of the resolution and, on communication to the Speaker of his decision which shall be final, the resolution shall not be entered in the list of business or, if it has been so entered, the Speaker shall decline to allow the resolution to be moved.
	(4) The provisions of sub-rules (2) and (3) shall, so far as may be, apply to all motions under rule 11 for an adjournment of the business of the Assembly for the purpose of discussing any matter of urgent public importance."
24	In rule 24, for the word "Government" where it occurs at both the places the words "Provincial Government" shall be substituted.
24A	In rule 24A—
	(1) in sub-rule (1)—
	(*i*) the words "Government of India" shall be omitted;
	(*ii*) for the word "resolution" where it occurs for the first time the word "motion" shall be substituted;

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(2) for sub-rules (2) and (3), the following shall be substituted, namely :—
	"(2) The provisions of rules 22 and 23 shall, so far as may be, apply to all such motions."
25	For rule 25, the following shall be substituted, namely :—
	"25. The annual financial statement or the statement of the estimated receipts and expenditure of the Province in respect of every financial year (hereinafter referred to as "the Budget") shall be presented to the Assembly on such day in the preceding financial year as the Governor exercising his individual judgment may appoint :
	Presentation of Budget.
	Provided that the provisions of paragraph five of the Government of India (Commencement and Transitory Provisions) Order, 1936, shall apply as regards the Budget for the financial year 1937–38."
26	In rule 26—
	(1) in sub-rule (1)—
	(*a*) for the words "Finance Member" the words "Finance Minister" shall be substituted ;
	(*b*) the words "and Insurance" shall be omitted.
	(*c*) the words "Demands affecting reserved and transferred subjects shall, so far as may be possible, be kept distinct" shall be omitted ;
	(2) in sub-rule (3) for the words "Finance Member" the words "Finance Minister" shall be substituted.
28	In rule 28—
	(1) after the word "Governor" wherever it occurs the words "exercising his individual judgment," shall be inserted ;
	(2) for the words "Finance Member" the words "Finance Minister" shall be substituted ;
	(3) in sub-rule (1) after the words "on a day" the words "or days" shall be inserted.

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
29	In rule 29—

(1) for sub-rule (1), the following shall be substituted, namely :—

" (1) The voting of demands for grants shall take place on such days not exceeding fifteen as the Governor, exercising his individual judgment, may allot for the purpose :

Voting of demands.

Provided that at least seven days shall elapse between the first day of the presentation of the Budget and the first day of the voting of demands."

(2) in sub-rule (2) for the words " allotted by the Governor to " the words " taken up by the Assembly for " shall be substituted ;

(3) after sub-rule (2) the following sub-rule shall be inserted, namely :—

" (3) on a day allotted under sub-rule (1) for the voting of demands for grants, no other business shall be taken up before 5 p.m. except with the consent of the Speaker :

Provided that nothing in this rule shall be deemed to prohibit the asking and answering of questions during the time allowed under these rules."

(3) for sub-rule (3) the following shall be substituted, namely :—

" (4) On the last day of the days so allotted, at 5 p.m., the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants ; and the consideration thereof shall not be anticipated by any motion for adjournment or be interrupted in any manner whatsoever nor shall any dilatory motion be moved in regard thereto."

30 In rule 30—

(1) in sub-rule (2) the words " or to omit or reduce any item in a grant " shall be omitted ;

(2) sub-rule (4) shall be deleted.

31 In rule 31—

(1) for the word " When " the words " If in respect of any financial year " shall be substituted ;

(2) the words " during any financial year " shall be omitted ;

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2
	(3) after the word "excess" where it occurs for the second time, the word "amount" shall be inserted; (4) the words "by the Finance Member" shall be omitted.
32	Rule 32 shall be deleted.
32A, 32B & 32C	After rule 32 the following shall be inserted, namely :—

"32A. On a day fixed by the Governor before the last of the days allotted by him for the moving of demands for grants, further demands for grants may be moved :

Further demands for grants.

Provided that—

(*i*) they are required for purposes which in the opinion of the Governor are of a very urgent nature ;

(*ii*) they are for new matters which have not been included in the original estimates of the year. Such demands shall be classified according to the original demands for grants, the details being shown by sub-heads of appropriation under each grant.

32B. (1) The Governor, exercising his individual judgment, may, from time to time, allot a day for the presentation of a supplementary statement of expenditure.

Supplementary demands.

(2) The Governor, exercising his individual judgment, shall allot one or more days not earlier than three days after the day allotted for such presentation, (*a*) for voting on the demands for supplementary grants, or (*b*) for discussion of the estimates of the expenditure charged on the revenues of the Province, other than estimates relating to expenditure referred to in paragraph (*a*) of sub-section (3) of section 78 of the Act, or (*c*) for both such voting and discussion, as the case may be.

(3) At 5 p.m. on the day or the last of such days, as the case may be, allotted under sub-rule (2) all discussion shall terminate and the Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for supplementary grants,

SCHEDULE III—*contd.*

Rule.	Modifications or Adaptations.
1	2

(4) The consideration of the business referred to in sub-rule (2) shall not, on the day or days allotted therefor, be anticipated by any motion for adjournment or be interrupted in any manner whatsoever, nor shall any dilatory motion be moved in regard thereto."

Schedule of authorised expenditure.

32C. The schedule of the authorised expenditure of the Province shall be laid before the Assembly in pursuance of sub-section (2) of section 80 of the Act on such day as the Governor, exercising his individual judgment, may appoint for the purpose."

33 & 34 For rules 33 and 34 the following shall be substituted, namely :—

Constitution of Committee on Public Accounts.

"33. (1) As soon as may be after the commencement of the first Session of each Assembly, a Committee on Public Accounts shall be constituted for the purpose of dealing with the reports of the Auditor-General of India relating to the appropriation accounts of the Province and such other matters as the Finance Department may refer to the Committee.

(2) The Committee on Public Accounts shall consist of 12 members, including the Finance Minister who shall be a member *ex-officio*. They shall be elected by the Assembly from among its members according to the principle of proportional representation by means of the single transferable vote. The term of office of members of the Committee shall be one year but any member shall be eligible for re-election.

(3) Casual vacancies shall be filled as soon as possible after they occur in the manner prescribed in sub-rule (2) and any person elected to fill such a vacancy shall hold office for so long only as the person in whose place he is elected would have held office. During any vacancy in the Committee, the continuing members may act as if no vacancy has occurred.

(4) The Chairman shall be elected by the Committee from among their members. In the case of an equality of votes on any matter the Chairman shall have a second or casting vote.

SCHEDULE III—*concld.*

Rule.	Modifications or Adaptations.
1	2
	34. (1) In scrutinising the appropriation accounts of the Province and the report of the Auditor-General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself—
	Control of Committee on Public Accounts.
	(*a*) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged,
	(*b*) that the expenditure conforms to the authority which governs it, and
	(*c*) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Governor acting in his discretion or by the Finance Department, as the case may be.
	(2) It shall also be a duty of the Public Accounts Committee—
	(*a*) to examine such trading, manufacturing and profit and loss accounts and balance sheets, as the Governor may have required to be prepared, and the Auditor-General's report thereon ;
	(*b*) to consider the report of the Auditor-General in cases where the Governor may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock."

SCHEDULE IV.

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
I	1	In clause (*e*) of paragraph 1 of Standing Order I, after the word "Bombay" the words "and deemed to have effect in relation to the Assembly under section 84 of the Act" shall be added at the end. After clause (*e*) of paragraph 1 of Standing Order I, the following shall be added, namely:— "(*f*) The words and expressions used in the Act and the rules and not defined in these Standing Orders shall have the meanings assigned to them in the Act and the rules respectively".
II	1 and 3.	In paragraphs 1 and 3 of Standing Order II, after the word "Governor" the words "in his discretion" shall be inserted. In sub-paragraph (3) of paragraph 3 of Standing Order II, the words "and motions to amend the Standing Orders which have been referred to a Select Committee" shall be omitted.
III	1	For sub-paragraphs (3) and (4) of paragraph 1 of Standing Order III the following shall be substituted, namely:— "(3) The Speaker shall read out to the Assembly the names of the candidates together with those of their proposers and seconders and if only one member has been proposed for election shall declare that member duly elected. If more than one member has been proposed, the Assembly shall proceed to elect a Deputy Speaker by ballot. (4) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and ballotting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election, until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be. (5) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from election under sub-paragraph (4),

SCHEDULE IV—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots. (6) The provisions of sub-paragraphs (2) to (5) shall, so far as may be, apply to any election to fill a vacancy in the office of the Deputy Speaker which may occur at any other time ".
IV	1	(1) In sub-paragraph (1) of paragraph 1 of Standing Order IV (*a*) for the word " Government " where it occurs for the first time the word " Governor " shall be substituted ; (*b*) for the word " it " the word " he " shall be substituted ; and (*c*) for the words " and motions to amend Standing Orders " the words " and motions relating to Bills returned for reconsideration under section 75 or 76 of the Act : " shall be substituted. (2) To sub-paragraph (1) of paragraph 1 of Standing Order IV, the following proviso shall be added, namely :— " Provided that nothing contained in this sub-paragraph shall affect the provisions of rule 6A." (3) In sub-paragraph (2) of paragraph 1 of Standing Order IV, for the words " Rule 6 " the words " Rules 6 and 6A " shall be substituted. (4) For sub-paragraph (3) of paragraph 1 of Standing Order IV, the following shall be substituted, namely :— " (3) (*a*) On a day allotted for the disposal of non-official business, non-official Bills shall have relative precedence in the following order, namely :— (*i*) Bills returned to the Assembly under sub-rule (4) of rule 21I of the Bombay Legislative Council Rules ; (*ii*) Bills sent to the Assembly under sub-rule (2) of rule 21I of the Bombay Legislative Council Rules ; (*iii*) Bills transmitted to the Assembly under sub-rule (3) of rule 21I of the Bombay Legislative Council Rules ; (*iv*) Bills returned to the Assembly under rule 21F of the Bombay Legislative Council Rules ; (*v*) Bills transmitted to the Assembly under rule 21A of the Bombay Legislative Council Rules ;

SCHEDULE IV—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		(*vi*) Bills introduced in the Assembly in respect of which the next stage is that a Bill shall be read a third time and be passed ;
		(*vii*) Bills introduced in the Assembly in respect of which a motion has been carried that the Bill be read a second time ;
		(*viii*) Bills introduced in the Assembly in respect of which the report of a Joint or Select Committee has been presented ;
		(*ix*) Bills introduced in the Assembly in respect of which the next stage is the presentation of the report of a Joint or Select Committee ;
		(*x*) Bills introduced in the Assembly and which have been circulated for the purpose of eliciting opinions ; and
		(*xi*) Other Bills introduced or to be introduced in the Assembly.
		(*b*) Subject to the provisions of paragraph 14 of Standing Order VIII Bills to be introduced in the Assembly shall have priority in the order of the dates on which notices of them were given ; Bills introduced in the Assembly shall have priority in the order of the dates of their introduction ; and all other Bills shall have priority in the order of the dates on which they first become fit for the consideration of the Assembly."
IV	2	(1) In sub-paragraph (2) of paragraph 2 of Standing Order IV, the following shall be added at the end, namely :—
		"Provided that the Governor acting in his discretion may direct that any business of the nature referred to in rule 6A shall be transacted on any day allotted for such business notwithstanding that it is not included in the list of business for the session."
		(2) After sub-paragraph (2), of paragraph 2 of Standing Order IV, the following shall be inserted namely :—
		"(2A) The Secretary shall prepare an order of business for the day and a copy thereof shall be made available for the use of every member. Save as otherwise provided in the Rules or the Standing Orders,

SCHEDULE IV—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		no business not included in the order of business for the day shall be transacted at any meeting without the leave of the Speaker." (3) In sub-paragraph (3) of paragraph 2 of Standing Order IV, after the words "the list of business" the words "or the order of business for the day" shall be inserted.
IV	3	In paragraph 3 of Standing Order IV, after the word "business" the words "not being business of the nature referred to in rule 6A" shall be inserted.
IV	4	In sub-paragraph (1) of paragraph 4 of Standing Order IV, for the words "or of a motion to amend the Standing Orders which has been reported on by a Select Committee" the words "not being a Bill sent under section 90 of the Act" shall be substituted.
IV	5	In paragraph 5 of Standing Order IV, for the words "in the prescribed manner" the words "in the manner prescribed in the Act" shall be substituted.
IV	8	After paragraph 7 of Standing Order IV, the following shall be inserted, namely :— "8. (1) The Secretary shall make every effort to circulate to each member a copy of every notice which is required to be given as well as a copy of any other paper which is required to be made available for the use of the members under the Rules or the Standing Orders. Notice to members. (2) Such notice or other paper shall be deemed to have been given or made available for the use of every member, if a copy thereof is exhibited on the notice board at the office of the Assembly and despatched to the address of every member; Provided that when the Assembly is in Session such notice or paper shall be deemed to be despatched to each member, if it is deposited in such place at the Assembly Chamber as may be appointed in this behalf by the Speaker."

SCHEDULE IV—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
V	1	For paragraph 1 of Standing Order V, the following shall be substituted, namely :—
		"1. No adjournment of the Assembly and no suspension of any meeting thereof shall be ordered under sub-section (3) of section 66 of the Act unless a warning bell is rung for three minutes in the library and the refreshment room to enable absent members to resume their places."
		'Adjournment for want of quorum.
V	7	For clause (*iv*) of sub-paragraph (2) of paragraph 7 of Standing Order V, the following shall be substituted, namely :—
		"(*iv*) reflect upon the conduct of His Majesty the King, or the Governor General, or His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States or any Governor, as distinct from the Governor General in Council and after the establishment of the Federation under the Act the Federal Government or any Provincial Government, or any Court of Justice in the exercise of its judicial functions;".
V	12	In paragraph 12 of Standing Order V, for the words "Council Chamber" the words "Assembly Chamber" shall be substituted.
VII	1	In sub-paragraph (3) of paragraph 1 of Standing Order VII, for the figures "25" where they occur at both the places, the figures "36" shall be substituted.
VIII	6	For sub-paragraph (2) of paragraph 6 of Standing Order VIII, the following shall be substituted, namely :—
		"(2) The Member in charge of the Department concerned with the Bill shall, if he is a member of the Assembly, be the Chairman unless he waives his right to be Chairman. If the Member in charge of the Department concerned with the Bill is not a member of the Assembly or if he waives his right to be the Chairman, the Committee shall appoint another member to be its Chairman. In the absence of the Chairman at any meeting, the members shall appoint a Chairman for that

SCHEDULE IV—*contd.*

Standing Order.		Modifications or Adaptations.
S. O.	Para.	
1		2
		meeting. In the case of an equality of votes, the Chairman shall have a second or casting vote."
VIII	8	In paragraph 8 of Standing Order VIII, for the figures and words "15 clear days before the date appointed for the session" the figure and words "7 clear days before the date on which such motion is made" shall be substituted.
		After paragraph 8 of Standing Order VIII, the following shall be inserted, namely:—
	8A	The foregoing provisions of this Order shall, so far as may be practicable, apply to any Bill committed to a Joint Committee under rule 21J."
		Applicability of certain provisions to Bills committed to Joint Committee.
VIII	12	(1) In sub-paragraph (1) of paragraph 12 of Standing Order VIII for the words "Legislative Council of the Governor of Bombay" the words "Legislative Assembly of the Province of Bombay" shall be substituted.
		(2) In sub-paragraph (2) of paragraph 12 of Standing Order VIII for the words "submitted to the Governor through the Secretary to Government, Legal Department" the words "transmitted to the Secretary of the Council for the consideration of the Council" shall be substituted.
		(3) After sub-paragraph (2) of paragraph 12 of Standing Order VIII, the following shall be inserted, namely:—
		"(3) When a Bill in respect of which the originating Chamber is the Assembly and which after it has been passed by the Assembly is passed by the Council without any further amendments, or when the Assembly agrees to the amendments made in the Bill by the Council and passes the Bill with those amendments the Secretary shall send a copy of the Bill signed by the Speaker for submission to the Governor through the Secretary to the Government of Bombay, Legal Department."
VIII	13	Paragraph 13 of Standing Order VIII shall be deleted.

SCHEDULE IV—*contd.*

Standing Orders		Modifications or Adaptations.
S. O.	Para.	
1		2
VIII	14	For paragraph 14 of Standing Order VIII, the following shall be substituted, namely :— "14. If the member in charge of a Bill makes no motion in regard to the same during two complete Sessions, the Bill shall lapse unless the Assembly, on a motion by that member in the next Session, makes a special order for the continuance of the Bill." Dropped Bills.
IX		Standing Order IX shall be deleted.
XI	1	In paragraph 1 of Standing Order XI, (1) for the figures "27" the figures "29" shall be substituted ; (2) the second proviso shall be deleted.
XI	1A	In paragraph 1A of Standing Order XI, for the word and figures "26 or 31" the words and figures "26, 31or 32A" shall be substituted.
XI	3	In paragraph 3 of Standing Order XI, for the figures "27" the figures "29" shall be substituted.
XI	4	Paragraph 4 of Standing Order XI shall be deleted.
XII	6	After paragraph 6 of Standing Order XII the following shall be inserted, namely :— "6A. Any Standing Order which is repugnant to the provisions of any Rules shall, to the extent of that repugnancy but not otherwise, be void." Standing Order repugnant to any rule void. For the statement showing the various stages of Bills appended to Standing Order XII, the following shall be substituted, namely :—

"*Statement showing the various Stages of Bills in the Legislative Assembly of the Province of Bombay on the 1st* 19 .

[See Order XII 3 (*g*)]

Serial No.	Title of Bill.	From what source received, with number and date of communication.	Reference to Executive Department, if any.	Date of introduction.	Date of publication in the *Government Gazette* and name of member in charge.	Date of publication of translations of Bill in the *Government Gazette*.	Date of First Reading.	Date on which referred to joint committee, if any.	Date on which report of joint committee is due.	Names of members of joint committee.	Dates of sittings of joint committee.	Date of publication of report of joint committee.
1	2	3	4	5	6	7	8	9	10	11	12	13

Date on which published for eliciting opinions and period of publication.	Date on which referred to Select Committee. Date of recommittal, if any.	Date on which Report is due.	Names of members of Select Committee.	Dates of meetings of Select Committee.	Date of publication of Report.	Date of publication of translations of Report.	Date of presentation of Report.	Date of Second Reading of Bill.	Date of consideration of Bill, clause by clause.	Date of Third Reading and passing.	Date of transmission of Bill to the Council.	Date of the Council agreeing to Bill without amendments.
14	15	16	17	18	19	20	21	22	23	24	25	26

Date of return of Bill from the Council asking concurrence of the Assembly to amendments made by the Council.	Date of the Assembly agreeing to amendments made by the Council.	Date of return of Bill to the Council with a message intimating disagreement of the Assembly to amendments made by the Council or with further amendments.	Date of agreement of the Council to Bill as originally passed by the Assembly or as further amended by the Assembly.	Date of return of Bill to the Assembly with a message intimating that the Council insists on amendments to which the Assembly is unable to agree.	Date of the Assembly agreeing to amendments insisted on by the Council.	Date of report by the Assembly of the fact of disagreement to Governor.	Date of joint sitting of both Chambers, if any.	Date on which Bill returned for reconsideration and date of reconsideration.	Date of assent by His Excellency the Governor.	Date of publication and number of Act.	Remarks.
27	28	29	30	31	32	33	34	35	36	37	38

"

By order of His Excellency the Governor of Bombay,

C. W. A. TURNER,

Chief Secretary to the Government of Bombay, Political and Reforms Department.

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NRO—A/1.

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THE GOVERNMENT OF INDIA ACT, 1935

Excluded and partially excluded areas (Section 91)

Recommendations of Provincial Governments and the Government of India

(INDIAN REPRINT)

Presented to Parliament by the Secretary of State for India by Command of His Majesty

January 1936

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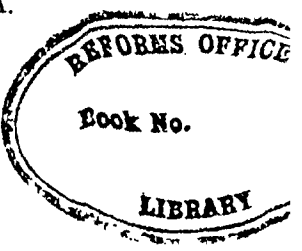
No. 1 OF 1935.

GOVERNMENT OF INDIA.

REFORMS OFFICE.

GENERAL (B).



To

THE MOST HONOURABLE THE MARQUESS OF ZETLAND, P.C., G.C.S.I., G.C.I.E.,

His Majesty's Secretary of State for India.

New Delhi, the 24th December 1935.

SUBJECT:—*Areas to be declared excluded or partially excluded under the Government of India Act, 1935.*

MY LORD MARQUESS,

On receiving your letter No. P. & J. (c) 5420, dated the 7th June 1935, we placed ourselves at once in communication with the provincial Governments with a view to the immediate institution of the further enquiries you directed to be undertaken for the selection of areas to be declared excluded or partially excluded under the provisions of section 91 of the Government of India Act, 1935. These enquiries, based on reports submitted by the district officers, are now complete. Copies of the exhaustive replies received from provincial Governments are enclosed with this despatch. We have ourselves given our most careful consideration to the proposals they respectively make, and we have the honour now to place you in possession of our own recommendations.

2. It is true, as indeed it is obvious, that there has been no uniformity, province by province, in the notification hitherto of backward tracts under the provisions of section 52A of the present Act. We read the instructions communicated to us in your letter as indicating your wish that, so far as local circumstances may permit, the selection of excluded and partially excluded areas throughout British India should now be subjected to a general uniformity of

treatment with the possible consequence of a considerable increase in specially protected areas. Where we have differed from local Governments we have endeavoured to bring our own recommendations strictly into line with your instructions.

3. In one respect you modified your instructions. We drew your attention to the fact that areas to which the Scheduled Districts Act applies would cover such comprehensive areas as Assam and Sind. You agreed that, in a more limited sense, partial exclusion should be considered with respect to every area where, as a result of the application of the Scheduled Districts Act, the local Government at present exercise power to apply legislation with modifications, or appoint officers under section 6 of the Act. These revised instructions were communicated to the provincial Governments at an early stage of their enquiries.

4. It will be convenient in placing our recommendations before you to deal with the proposals of each local Government, province by province. In our observations on their proposals we have borne in mind the undertaking given, on behalf of His Majesty's Government, in the House of Commons on the 13th May 1935 that a paper would be laid before the House with all the information and facts and all the necessary references before the Order in Council under section 91 is made. In order that full information may be available for all the areas which it has been suggested should find place in the Order in Council, we have included in our comments on the provincial proposals our observations on each of the areas suggested for exclusion or partial exclusion in Mr. Cadogan's amendment of the 10th May 1935. In addition we have commented also on all other areas, not necessarily recommended for special treatment by the local Governments, which have seemed to fulfil the tests prescribed in your letter. We trust therefore that the information we shall place before you will be found sufficient for the purpose of finally selecting areas for special treatment under the provisions of section 91 of the Act.

5. In the course of the instructions given to us, you observed that having regard to the limitations consequent upon total exclusion upon the powers of the legislatures and of the Ministers responsible to them the areas to be placed in that category must be based upon strict necessity and must be as limited as possible in scope consistently with the needs of the aboriginal population. We are ourselves in complete agreement as regards the principle you have expressed, and bearing your instructions in mind have confined our recommendations for the exclusion of areas to frontier and border tracts in Assam and such other areas, for instance, the Laccadive and Minicoy Islands off the west coast of Madras, and Lahaul and Spiti in the north of the Punjab, whose geographical position isolates them from the normal life and administration of the province in whose territories they lie.

6. In our selection of areas for partial exclusion we have kept prominently, but not exclusively, in mind the general distribution of aboriginal and primitive peoples through the uplands and forests of the Indian continent. These peoples survive in great numbers

in all the less developed parts of the province of Assam and the North-East Frontier tract. They reappear in the highlands of Chota Nagpur, and are found throughout the Central Indian Plateau stretching through the Central Provinces and on from there to the Western Ghats in the Presidency of Bombay. In Madras large numbers survive in the hills of the Agency tracts in the north of the Presidency which are themselves an extension of the Central Plateau and again, though not in such numbers, in the more scattered ranges further south. There is also a fringe of comparatively primitive and undeveloped people in the sub-Himalayan belt.

7. In recommending areas for partial exclusion we have sought to define them as closely as we can, and to select boundaries capable of being expressed in simple and easily intelligible terms. Should the boundaries proposed be found subsequently to require rectification, provision for that purpose exists in sub-section (2) (c) of section 91.

8. In now taking up the provincial reports we shall start with our consideration of the proposals of the Government of Assam; and, in proceeding round the map of India, shall take the remaining provinces in the following order; Bengal, Bihar and Orissa, and Madras; next the United Provinces, the Punjab and the North-West Frontier Province. We shall then conclude with the Presidency of Bombay and the Central Provinces, in both of which the problem presents certain features special to themselves.

ASSAM.

9. In the discussions extending over many years regarding the treatment of backward areas the necessity of special treatment for large areas in Assam has been generally and consistently admitted.

10. The original Sixth Schedule as presented to Parliament included the following entries relative to Assam.

PART I.

Excluded Areas.

The North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.

The Naga Hills District.

The Lushai Hills District.

PART II.

Partially Excluded Areas.

The North Cachar Hills (in the Cachar District).

The Garo Hills District.

The Mikir Hills (in the Nowgong and Sibsagar Districts).

The British portion of the Khasi and Jaintia Hills District other than the Shillong Municipality and Cantonment.

11. In agreement with their local officers, the Government of Assam maintain their view that the North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts, the Naga Hills District, and the Lushai Hills District should be excluded. Statistics of area and population for these tracts are as follows:—

	Area in square miles.	Population.
Balipara Frontier Tract	560	5,148
Sadiya Frontier Tract	3,200	53,345
Lakhimpur Frontier Tract	394	4,338
Naga Hills District	4,293	178,844
Lushai Hills District	8,092	114,404

12. Balipara, Sadiya and Lakhimpur are essentially frontier areas inhabited by tribes in an early stage of development. Balipara has no defined outer boundaries and extends to the confines of Bhutan and Tibet. The peculiarity of Sadiya lies in its variety of quite distinct peoples having relations with widely separated tracts of unadministered country. The population of Lakhimpur consists mostly of Naga Tribes. They stretch through the southern part of the Sadiya and Lakhimpur Tracts, the Naga and North Cachar Hills, with a wide area of unadministered territory the Manipur State and throughout the hills surrounding the valley area of the Manipur State. In the Lushai Hills the bulk of the people are of the various kindred tribes known as Lushai, Kuki, or in Burma, Chin Tribes living under their own distinctive chiefs. The district marches with the Chin Hills of Burma.

13. We agree that the five areas mentioned above should not owing to local conditions be brought within the scope of the new Reforms. We therefore accept the recommendation of the local Government that these five areas should be classed as excluded areas to be administered by the Governor in his discretion.

14. In the circumstances explained by the local Government in paragraph 3 (*ii*) of their letter No. 3044-F. R., dated the 9th October 1935 the Government of Assam after previously recommending that the North Cachar Hills should be wholly excluded subsequently revised their recommendation and were prepared to support partial exclusion. The treatment of this area came under further examination at a time when the draft Bill was before Parliament, and in view of its history of inter-tribal dissensions and the great difficulty of obtaining a representative from the North Cachar Hills to sit in the Assam Legislative Assembly the Government of Assam were prepared to support the view that this area should be excluded. They now make its exclusion their definite recommendation.

15. The North Cachar Hills have an area of 1,890 square miles and a population of 32,844. The population consists mainly of Nagas, who are the outliers of the Kacha Nagas of the Naga Hills; of Kacharis, who represent themselves to be Hindus but are markedly distinct from the plains Kacharis by their customs; and of

Kukis a people distinguished from the Nagas by their migratory habits. They are of the same origin as the tribes occupying the Lushai Hills. The conflicting interests of the different tribes are a noticeable feature of these hills.

16. In the Parliamentary debate of the 13th May 1935 the Under Secretary of State for India indicated that His Majesty's Government would be prepared to recommend that the North Cachar Hills should be treated as an excluded area. Having regard to the arguments of the local Government we support the proposal, but would record our opinion that opportunity should not be lost, as soon as local conditions permit, to convert this area from an excluded into a partially excluded area.

17. Rather marked differences of opinion have arisen as regards the treatment of the Garo and Mikir Hills. All authorities who have been consulted are agreed that special protection for the Garo and Mikir Hills is required. The point at issue is whether they should be excluded or partially excluded.

18. These two hill tracts are neither frontier nor border tracts like those recommended for exclusion.

The Garo Hills lie west of the Khasi and Jaintia Hills, and are bounded on the north by the Goalpara district of the Assam valley and on the south by the Mymensingh district of the Bengal Presidency. The Mikir Hills are an isolated area, as it were an island in the plains country. They extend over portions of the Nowgong and Sibsagar districts. By geographical position alone the future of the Garo and of the Mikir Hills is closely linked with that of the settled districts of the province of Assam. This alone distinguishes their case from that of the frontier and border tracts recommended for exclusion.

19. The Garo Hills occupy an area 3,152 square miles and have a population of 190,911 consisting almost entirely of Garos and a few other tribes of Bodo origin. The Garos extend into the plains of Mymensingh, Goalpara and even Dacca. Previous to British administration Garo raids on the plains were frequent, but it is now more than fifty years since any serious incident of that kind has occurred. The Mikir Hills occupy an area of 4,387 square miles with a population of 133,216. The people of the hills are Bodos of the Mikir tribe. They are an inoffensive and rather timid race.

20. In the amendment of the draft Sixth Schedule proposed in Parliament by Mr. Cadogan on the 10th May 1935 it was recommended that while the Garo Hills should remain a partially excluded area, the Mikir Hills should be moved to Part I as an excluded area. In the further investigation now made, the local officers of Government, namely, the Deputy Commissioner of the Garo Hills and the Commissioner of the Assam Valley Division recommend that, except for three plains mauzas, the Garo Hills district should be not partially excluded, but excluded. The same recommendation for the Mikir Hills is made by the Commissioner of the Assam Valley Division agreeing in this respect with the opinion of the Deputy Commissioner of Nowgong, but disagreeing with the view of the Deputy Commissioner of Sibsagar.

21. The treatment of these two areas is also dealt with fully in a note by Dr. Hutton (included as an enclosure to the local Government's reply) in which he strongly supports exclusion against partial exclusion.

22. On the other hand the local Government adhere to their earlier recommendation that these areas should be partially excluded. The argument that exclusion would disturb arrangements for the distribution of "backward areas" seats in the Assam legislature touches a point which the Government of Assam would no doubt themselves agree to be subsidiary and incidental. Their more cogent argument is to be found in paragraph 4 of their letter stating that they are unable to believe that "partial exclusion" would render the inhabitants liable to the exploitation which Dr. Hutton apprehends. Both areas are situated in the heart of the province and the local Government emphasize the point that they must evolve on lines similar to the rest of the province.

23. At the time when the recommendations of the local Government were submitted, His Excellency Sir Michael Keane was absent on leave. On his return from leave, he expressed, in agreement with the view expressed by the provincial Government in his absence, his opinion that the Garo and Mikir Hills should be partially excluded. This opinion was communicated to us by the local Government in their letter No. 3106-F. R., dated the 16th October 1935.

24. We ourselves share in the general agreement that these two tracts should at least be partially excluded. We have considered whether the further protection given by exclusion is required or justified by the circumstances. We observe that the protection against unsuitable legislation is the same in either case. The question then is whether the Ministers should be without executive authority in these tracts, or whether in their administration of them they should be subject to the individual judgment of the Governor. We find ourselves in agreement with the local Government that for the requirements of these areas the individual judgment of the Governor should be ample protection. We are also of the opinion that the creation of excluded enclaves within the heart of the province of Assam interrupting the normal provincial administration in such matters as roads, public health and education would be likely to create administrative embarrassments. Nor are we dealing here with areas for which there could be no representation of any kind in the provincial legislature. We therefore recommend only partial exclusion of the Garo and the Mikir Hills.

25. It remains to consider the treatment of the British portions of the Khasi and Jaintia Hills, excluding the Shillong Municipality and Cantonment. Though the Commissioner of the Surma Valley and Hill Division favours exclusion the view held by the Deputy Commissioner of the Khasi and Jaintia Hills is that they should be partially excluded, an opinion which Dr. Hutton endorses. The Government of Assam state that any proposal to exclude these hills would arouse the most intense opposition from the leading Khasis, and they adhere to their recommendation of partial exclusion.

26. The Khasi and Jaintia Hills lie between the Garo and Mikir Hills. The headquarters of the Government of Assam at Shillong is within the Sadr subdivision of the Khasi Hills.

The total area of the Khasi and Jaintia Hills is 6,145 square miles. The whole of the Jaintia Hills is British territory; but of the Khasi Hills 90 per cent. of the total area is State territory and 86 per cent. of the population are State subjects.

The figures for the area and population of the British portions of the Khasi and Jaintia Hills are as follows:—

	Square miles.
Khasi Hills (British territory)	339
Jaintia Hills	2,106
	2,445

	Population.
Khasi Hills (Biritsh territory)	28,781
Jaintia Hills	81,145
	109,926

The Khasis form the bulk of the population of these hills, which however include some 15,000 Mikirs and a smaller number of Garos. In the State territory the Khasis live under their Siems or chiefs. In all other respects, for example, the common tenure of land and other property the life of the Khasis of British territory is regulated on the same lines as of the Khasis of State territory.

27. We accept the recommendation of the Government of Assam that, with the exception of the Shillong Municipality and Cantonment, the British portions of the Khasi and Jaintia Hills should be partially excluded.

28. To sum up, for the areas in the province of Assam we are unable to support the recommendation contained in Mr. Cadogan's amendment of the 10th May that the Mikir Hills should be an excluded area, but we accept the amendment that the North Cachar Hills (in the Cachar District) should be excluded. It was further suggested in the amendment that all tribal territories on the frontier of Assam which at the time of the coming into operation of the Act are unadministered should be exeluded. On this point we observe that for such tribal areas as do not lie within the province of Assam no question of the use of section 91 can arise. For areas of that description the executive authority would belong to the Governor General who would in all probability employ the Governor as his agent under the provisions of sub-section (1) of section 123.

29. In effect, the only change from the entries for Assam in the draft Sixth Schedule which we recommend is that the North Cachar Hills should be not partially excluded, but excluded.

30. In terms of area and population our recommendations for Assam may be summarized as follows:—

PART I.—EXCLUDED.

	Area in square miles.	Population.
Balipara Frontier Tract	560	5,148
Sadiya Frontier Tract	3,200	53,345
Lakhimpur Frontier Tract	394	4,338
Naga Hills District	4,293	178,844
Lushai Hills District	8,092	114,404
North Cachar Hills	1,890	32,844
Total	18,429	388,923

PART II.—PARTIALLY EXCLUDED.

	Area in square miles.	Population.
The Garo Hills District	3,152	190,911
The Mikir Hills	4,387	133,216
The British portions of the Khasi and Jaintia Hills excluding the Shillong Municipality and Cantonment	2,445	109,926
Total	9,984	434,053

BENGAL.

31. The Presidency of Bengal includes within its boundaries primitive peoples from three of the great aboriginal areas of India. On the north and east are tribes belonging to the Mongolian block of Assam; on the west are Santals of the Central Indian Plateau; and in the north-west the hill-men of the sub-Himalayan districts of Darjeeling and Jalpaiguri.

32. It was recommended in the draft Sixth Schedule that the Chittagong Hill Tracts should be an excluded area, and the Darjeeling district a partially excluded area. These recommendations were accepted in Mr. Cadogan's amendment of the 10th May 1935, but it was recommended that the Sherpur and Susang Parganas of the Mymensingh District should also be a partially excluded area.

33. The reasons for excluding the Chittagong Hill Tracts are given by the Government of Bengal in their letters Nos. 2606-A. R., dated the 6th December 1933 and 109-A. R. D., dated the 16th May 1933, copies of which are enclosed with the local Government's memorandum on the present reference. The Chittagong Hill Tracts cover about 5,000 square miles. According to the last census the population is roughly 213,000 of which the bulk is composed of hill tribes who

number approximately 155,500. The district is a mass of hills, ravines and cliffs, covered with dense bamboo, trees and jungles. In all material respects the Chittagong Hill Tracts, which border the Lushai Hills of Assam, are similar to areas in Assam recommended for exclusion. In agreement with the Government of Bengal we recommend that the Chittagong Hill Tracts should be an excluded area.

34. The treatment of the Darjeeling District raises rather difficult problems. The local Government favour partial exclusion in the interests of the hill-men. It is true that the district presents marked differences from other Bengal districts. For instance, only a minority of the inhabitants speak Bengali as their mother tongue. Moreover the internal system of administration is specially adapted to local needs. On the other hand the district can scarcely be described as a backward tract in the ordinary sense of that term. The standard of literacy is well above the average for the Presidency and the aboriginal population is only 11·9 per cent. Of this a large proportion is engaged as labourers on tea estates, and to that extent has been detribalized. It does not appear to us that the criteria described in your letter afford firm ground for the special treatment of this area, but we recognize the particular considerations relative to the position of the hill-men emphasized by the Government of Bengal in their letter No. 14658-A., dated the 11th December 1930 read with their letter No. 2502-A. R., dated the 14th November 1933, copies of which are enclosed with their present memorandum, and we agree that at least at the outset the Darjeeling district should be a partially excluded area. The district has a total population of 319,600 of whom approximately 38,000 are primitive peoples.

35. The local officers have recommended that the Jalpaiguri district which adjoins the Darjeeling district in the sub-Himalayan tract should be a partially excluded area. Simply on the figures of backward population the claim of the Jalpaiguri district to partial exclusion is nearly twice as strong as that of the Darjeeling district, and that of the Duars of Jalpaiguri nearly four times as strong. But in this instance figures are misleading, since a very high proportion of the primitive population is detribalized labour, and the application to such of Chapter V, Part III of the Act would be out of place. We accept the opinion of the Government of Bengal that the Jalpaiguri district should be neither an excluded nor a partially excluded area. The district is in all material respects similar to a normal district in the Presidency.

36. We agree further with the Government of Bengal that it would not be practicable partially to exclude areas in the Santal fringe along the western border of the Presidency.

37. Mr. Cadogan's amendment of the 10th May 1935 recommended the partial exclusion of the Sherpur and Susang parganas of the Mymensingh district. In reply to our earlier reference the Government of Bengal opposed this recommendation. They assumed the proposal to have been made because of the presence of Garos in these parganas. On the other hand they took the point that the total Garo population in the Mymensingh district is only 34,300 approximately

out of a total population of 4,130,000. They stated that hitherto no special measures have been deemed necessary to protect Garos in Bengal, and added that the local Government had at no time received any indication that the existing administrative system has worked inequitably for the Garos.

38. On the present reference, as stated in the local Government's letter No. 3966-A. R., dated the 6th November 1935, the district officer of Mymensingh was not consulted.

39. In the circumstances the information in our possession is less ample than further enquiry from the local Government would no doubt have elicited. The Mymensingh district lies to the south of the Garo Hills of Assam, and it is understood that of the 38,000 Garos in Bengal 34,000 live in a strip of country in Mymensingh running along the boundary between that district and the Garo Hills district of Assam, and that in that area the other elements consist of 14,000 Hadis, 20,000 Hajangs and 30,000 Koches.

40. In a monograph on the Garo tribe prepared by Major Playfair this strip of country is shown as essentially Garo country. Into this area then under jungle the Garos came some 150 years ago. They were the first to open out the country.

41. Recent information on conditions in that area is given in the last census report of Bengal in which the Superintendent reproduces a note by the Rev. W. J. White of Mymensingh which describes the disabilities under which the Garos suffer. The following extracts from that note are relevant to the point now at issue:—

> ..... At one time the Garos were the undisputed holders of the land over which they roamed, and gradually on this side of the Assam border their legal rights to the land have been reduced by expropriation when rents are in arrear, and under the recent Bengal Tenancy Act by pre-emption when the tenant arranges a transfer of his land rights to another tenant. Added to this is the heavy pressure set up by immigration after lands have been cleared and brought under cultivation by the pioneer Garo farmer.

In his note the Rev. W. J. White observes that so despised are Garos by orthodox Hindus that "even Christian missionaries who are working among the Garos in the northern portion of the Mymensingh district are not allowed to call the Hindu barber, because of the close contact they have with the Garo people." There is no question of special pleading for Christian converts, since at the census only 18 Garos were returned as Christians.

42. At the same time it was recorded in the census that of these Garos some 90 per cent. speak no language but their own. Only slightly over 1 per cent. can read and write. It is understood that they still retain their own tribal divisions and matriarchal system.

43. On these facts it would seem that these Garos should receive the same measure of protection as is recommended for the Garos in Assam, that is to say, that the area they inhabit should be partially

excluded. The test in this case is not the percentage of primitive peoples in the district as a unit, but their numbers, grouping and environment in a particular part of the district. We accordingly support the recommendation made by Mr. Cadogan in his amendment of the 10th May 1935 that the Sherpur and Susang parganas of the Mymensingh district should be a partially excluded area. There will be nothing to prevent the local Government at any future time from recommending revised boundaries, if they think fit, for the purpose of limiting the partially excluded area more specifically to the particular tract inhabited by these Garos.

44. Our recommendations then for the Presidency of Bengal are:—

(1) in agreement with the local Government that the Chittagong Hill Tracts should be an excluded and the Darjeeling district a partially excluded area; and

(2) in support of Mr. Cadogan's amendment that the Sherpur and Susang parganas of the Mymensingh district should be a partially excluded area.

BIHAR AND ORISSA.

45. A great part of the existing province of Bihar and Orissa is covered by the Great Central Indian Plateau. The province contains no less than 5½ million aboriginals, a total approached only by the Central Provinces. The primitive population of the province is made up, for the most part, of Mundas, Oraons, Hos and other Kolarian tribes. Tribal formations and local agrarian systems can scarcely be said to survive in the sub-Himalayan tract to the north of the province.

46. Very full use has been made of the provisions of the present Government of India Act to protect these primitive peoples. Notifications now in force under section 52A cover the whole of the Chota Nagpur Division, comprising the five districts of Ranchi, Hazaribagh, Palamau, Manbhum and Singhbhum; the Santal Parganas district of the Bhagalpur Division, and the Sambalpur and Angul districts. Of these the two last named will fall in the new Orissa province.

47. It was proposed in the draft Sixth Schedule that all these areas should be partially excluded areas. In Mr. Cadogan's amendment of the 10th May 1935 it was recommended that the Damin-i-Koh in the Santal Parganas district; the Kolhan revenue thana in the Singhbhum district; the Khondmals sub-division in the Angul district and the whole of the Ranchi district except the town and suburbs of Ranchi should be excluded; and that the remainder of the areas mentioned above should be partially excluded.

48. The Government of Bihar and Orissa adhere to their recommendation that no part of the future provinces of Bihar and Orissa should be excluded. The conditions throughout the province are fully described by the local Government in their letter No. 7342 A. R., dated the 18th October 1935. With their conclusion that no change is required from their recommendations as they stood in the draft Sixth Schedule, we entirely agree. To our mind there can be no

justification for so retrograde a step as excluding the Damin-i-Koh Government estate in the Santal Parganas or the Kolhan Government estate in the Singhbhum district. It would be equally difficult to find justification for excluding the Ranchi district.

49. Some doubt might however arise as regards the Angul district including the Khondmals sub-division. Under the notifications now in force the Angul district, which is itself a Government estate, is practically an excluded area. The Sadr sub-division under direct Government management is stated now to be so advanced that it should be possible within a few years to place it on a level with the normal districts. It is admitted on the other hand that the Khondmals will require protection for many years to come. But the opinion of the local Government, which we accept, is that local conditions are not such as to make it necessary to retain a distinction between the Khondmals and the neighbouring Agency tracts of Madras with which it will in future be grouped. It is proposed that these Agency tracts should be partially excluded.

50. Thus, for the areas now lying within the province of Bihar and Orissa we confirm the recommendations in the draft Sixth Schedule and adhere to the proposals therein that there should be no excluded area in the territories of the existing province of Bihar and Orissa; but that the following should be partially excluded areas—

The District of Angul (Orissa).

The Chota Nagpur Division (Bihar)

The District of Sambalpur (Orissa).

The Santal Parganas District (Bihar).

MADRAS.

51. In the Presidency of Madras, apart from the Laccadive and Amindivi Islands, the aboriginal population may be said broadly to be found in two distinct areas; first in the northern portion of the province covered by the low and intensely malarious hills of the Ganjam, Vizagapatam and Godavari Agency tracts; and second in the more scattered but often higher hills of South Madras.

52. Under the provisions of section 52A of the present Act the Laccadive Islands, including Minicoy, and the Ganjam, Vizagapatam and Godavari Agencies have been notified as backward tracts.

53. In the draft Sixth Schedule no area of the Madras Presidency was proposed for exclusion. It was proposed that the Laccadive Islands, including Minicoy, and the Ganjam, Vizagapatam, and Godavari Agencies should be partially excluded areas.

54. Extensive changes were recommended in Mr. Cadogan's amendment of the 10th May 1935 in which it was proposed—

(a) that the Ganjam, Vizagapatam and Godavari Agencies; the Nallamalai Hills in the Kurnool district; and the Laccadive Islands and Minicoy should be excluded areas; and

(*b*) that the Wynaad Taluk of the Malabar district; the Kollegal Taluk and Anamalai Hills of the Coimbatore district; the Palni Hills of the Madura district; the Javadi Hills of North Arcot district; the Sitteri, Shevaroy, and Kollimalai Hills of the Salem district; the Kalrayan Hills of the Salem and South Arcot districts; the Pachamalai Hills of the Salem and Trichinopoly districts; and the Nilgiri Hills should be partially excluded areas.

55. These changes are not supported by the Government of Madras with this exception that they agree that the Laccadive Islands, including Minicoy, should be excluded.

56. The exclusion of these islands was accepted by the Government of Madras on an earlier reference, when we stated that we would not object to their treatment as excluded areas. These islands lie off the coast of the Malabar and South Kanara districts. Their total area is about 10 square miles. Their inhabitants, who are in a primitive state of development, number roughly 16,000. The islands are inaccessible during the greater part of the year and are visited by Government officials once only in two years. We confirm the view we have alraedy expressed that these islands should be excluded. For the reasons given by the Government of Madras they should be described more explicitly in the Order in Council as "The Laccadive (including Minicoy) and Amindivi Islands."

57. The Government of Madras are unable to accept the suggestion that the Ganjam, Vizagapatam and East Godavari Agencies should be treated as excluded not partially excluded areas. We entirely agree that there is no case to treat these areas as excluded. Of the three Agencies the whole of the Ganjam Agency and part of the Vizagapatam Agency will pass to Orissa. Ganjam is the most backward and Godavari the most advanced of these three tracts, but all three contain considerable proportion of population that is not primitive. We see no justification for excluding the Ministers from any executive authority in the areas, to which moreover representation will be given in the legislatures of Madras and Orissa.

58. The Government of Madras however make an incidental proposal that twenty-five villages of the Polavaram Taluk mentioned in their letter should be excluded from the Order in Council relative to the East Godavari Agency and treated as normal. These twenty-five villages are stated to be entirely similar in character to the adjoining areas of the plains and contain no aboriginal tribes or specially backward communities. We agree that on that ground they would not in themselves require special protection under section 91; but we would be disposed for the purpose of the Order in Council to treat them as within the partially excluded area so long as they lie within the Agency and are administered as part of it. The entry in the Order in Council should therefore refer simply to the East Godavari Agency as a partially excluded area.

59. The Government of Madras mention that a few villages of the Prathipadu sub-taluk outside but adjoining the Agency are inhabited by backward people not materially different from the inhabitants of

the Agency. It is observed that these villages, which are stated to be few in number and covering a small area, have always been subject to the ordinary laws and the ordinary system of administration. Agreeing with the Government of Madras, we recommend no special treatment for them.

60. The Nallamalai hills in the Kurnool district recommended in Mr. Cadogan's amendment for exclusion are stated by the Government of Madras to be occupied by a backward people known as Chenchus numbering scarcely more than 4,000 persons. Since their number is so small and the area they occupy so limited the Government of Madras consider that these Hills should be declared neither an excluded nor partially excluded area. We agree.

61. It will be seen from our recommendations that we agree with the Government of Madras that there should be no excluded area in the Madras Presidency, except the Laccadive (including Minicoy) and the Amindivi Islands. It remains to discuss the new proposals for partially excluded areas.

62. The local Government report that there is no area in the Malabar district where there is a preponderance of aborigines or very backward people. A certain number of jungle tribes live on the slopes of the hills but are stated to be few in number. In the Wynaad taluk the primitive tribes number a little over 16,000 in a total population of about 91,000. Estate-owners in the taluk give employment to many of the primitive part of the population, and it would not seem feasible to recommend the partial exclusion of any particular area which would not contain a majority of the advanced classes. On these facts we are unable to support the proposal that the Wynaad taluk should be partially excluded. We agree with the Government of Madras that no part of the Malabar district should be partially excluded.

63. Conditions in the Coimbatore district are fully discussed by the Government of Madras. The total aboriginal population is only 9,100 and these peoples are stated to live scattered in small units in the forests. The Kollegal taluk mentioned in Mr. Cadogan's amendment is reported not to contain any appreciable number of aborigines. The population of this taluk is backward rather than aboriginal. The 6,000 aborigines of the Pollachi taluk are all found in the Anamalai Hills, also mentioned in Mr. Cadogan's amendment, where they are for the most part employed as labourers on the estates. For the reasons given by the Government of Madras, we agree that neither the Kollegal taluk nor the Anamalai Hills of the Coimbatore district should be treated as partially excluded areas.

64. The Palni Hills, also recommended for partial exclusion in Mr. Cadogan's amendment, lie in the Madura district. That district is noted in paragraph 3 of the local Government's letter No. M. S.-1755, dated the 25th October 1935 as one of several districts in which there is no area containing an appreciable number of aborigines or backward people. We understand that the inhabitants

of the Upper Palnis are primitive, but that it would not be practicable to select any area suitable for partial exclusion. We accordingly accept the opinion of the local Government that no part of the Madura district should be partially excluded.

65. In Mr. Cadogan's amendment of the 10th May it was recommended that the Javadi Hills in the North Arcot district should be partially excluded. Of the total population of these Hills of 24,500 all except 200 are Malayalis. The local Government report however that they have advanced considerably in civilization in recent years and mix freely with the inhabitants of the adjoining plains. The Collector of the district has expressed the opinion that they require no special protection. We agree with the Government of Madras that the Javadi Hills in the North Arcot district should not be partially excluded.

66. They hold the same opinion also as regards the Nilgiri Hills district. In that district the primitive tribes consist for the most part of the Bodagas who number approximately 43,000 out of a total population of 167,000. These tribes are scattered over most of the district no particular portion of which is inhabited by aborigines. The district itself cannot be considered a backward area. There are numerous estates employing a considerable amount of local labour. We entirely agree with the local Government that the Nilgiri Hills district (which contains Ootacamund, the summer capital of the Government of Madras) should not be a partially excluded area.

67. Within and extending across the borders of the Trichinopoly, Salem, and South Arcot districts are the Shevaroys, Kollimalais, Kalrayan, Pachamalais and Sitteri Hills inhabited by Malayalis. All these areas are recommended for partial exclusion in Mr. Cadogan's amendment. The greater part of these Hills fall in the Salem district, and population figures for the Shevaroys, the Kollimalais, the Kalrayan, the Pachamalais and the Sitteri Hills are included in the local Government's letter of the 25th October 1935. The Government of Madras consider that the administrative inconvenience of constituting five separate areas into "partially excluded" areas is such that the proposal is *prima facie* unsuitable; but pass on to suggest that if partial exclusion is adopted, it would be well to include the small areas of Trichinopoly and South Arcot into which the Pachamalais and Kalrayan ranges respectively extend.

68. Among these five areas the Shevaroy Hills form a separate block and we understand that these Hills have been to a large extent opened up by coffee and other plantations. Though the Malayalis form the bulk of the population, there is a considerable mixture of other inhabitants. We accordingly take the view that the Shevaroy Hills should not be partially excluded.

69. The four remaining areas under discussion present a rather different problem. With small exceptions, the whole of the population of these hills is Malayali. The hills, though different areas of them go by different names, form one plateau. The present Collector of Salem thinks these areas require no special protection, but the Government of Madras bring it to notice that a previous Collector took the opposite view, and suggested partial exclusion for all these

hills (excepting the Shevaroys). These Malayalis are not really hill tribes in the ordinary sense of the expression, but are Tamils who speak that language, and worship the same deities as the plains people with whom they have close connections. They are understood to have welded themselves into a tribe with their own culture, and their isolation and resistance to encroachment have enabled them to rise a level in some ways at least as high as that of the surrounding population. Accordingly we see in their present circumstances no grounds for differing from the conclusion of the Government of Madras that they do not require special protection.

70. To sum up our proposals for entries relative to the Madras Presidency to be made in the Order in Council are—

(1) that the Laccadive (including Minicoy) and Amindivi Islands should be an excluded area; and

(2) that the Ganjam, Vizagapatam, and East Godavari Agencies should be partially excluded.

Of these the whole of the Ganjam and part of the Vizagapatam Agency will pass to Orissa when that province is separated.

THE UNITED PROVINCES.

71. No part of the United Provinces is at present treated as a "backward tract" under the provisions of section 52A of the Government of India Act, 1919. The draft Sixth Schedule made no proposal for the treatment of any part of the United Provinces as a partially excluded or excluded area. It was recommended in Mr. Cadogan's amendment of the 10th May 1935 that the Almora and Garhwal districts should be excluded areas.

72. In the United Provinces there are few aboriginals, but they touch two main areas, namely, the sub-Himalayan area in the north and the great Central Plateau in the south. The bulk of the province, lying as it does in the valley of the Ganges and Jumna, contains so few primitive elements that the local Government have found it necessary to ask only five district officers to make special enquiries.

73. The Almora district is a sub-Himalayan tract. It is scheduled under the Scheduled Districts Act, but except as regards its own land revenue law it comes under the same laws as other parts of the province. The Deputy Commissioner of Almora, whose views the local Government accept, is of the opinion that no part of the district should be partially excluded or excluded. He is of opinion that the local inhabitants, with the possible exception of a very small group of Ban Manus, cannot properly be described as primitive, and is willing to trust the local legislature not to disturb the special revenue law in force in the district. We have consulted the census statistics. We find that in the Almora district apart from Brahmanic Hindus, Arya Samajists, and Muslims, the number of the remainder is insignificant. In reply to an earlier reference the Government of the United Provinces described Almora as in many ways an advanced district as regards interest in politics and education. We agree that no special protection is required under the provisions of section 91.

74. The Garhwal district is also a sub-Himalayan area scheduled under the Scheduled Districts Act. The district officer's report is briefly to the effect that there are no areas in the Garhwal district which should be treated as excluded or partially excluded. No reasons are given, but in reply to an earlier reference the Government of the United Provinces reported that Garhwal is in no sense a backward area. In the Garhwal district also census statistics indicate that apart from those who fall into the ordinary enumeration of the more avdanced classes other elements in the local population are insufficient to be taken into account. We agree with the local Government that no special protection is required. Both the Almora and Garhwal districts are important recruiting areas for the Indian Army.

75. In the Naini Tal district the Tharus and Buxas belong generally to the border-country between British India and Nepal. They are stated to be so mixed up with the other more advanced elements of the population that it would be impracticable to attempt to define for them any excluded or partially excluded area. Further, there are grounds for believing that the Tharus would themselves resent protection of that kind since they have already protested against being described as backward classes. For these reasons the district officer is opposed to special treatment under section 91, a view which the local Government accept and we endorse.

76. The Dehra Dun district contains the Jaunsar-Bawar pargana administered under the Scheduled Districts Act on the ground of the backwardness of the local population. The district officer's report contains a description of the Jaunsaris which leaves no doubt that they require special protection. His recommendation that the pargana should be partially excluded is accepted by the Government of the United Provinces. We agree with their opinion and agree also that the town and cantonment of Chakrata need not be excluded from the partially excluded area.

77. The four districts dealt with above all belong to the sub-Himalayan tract. The Mirzapur district touches the great Central Plateau, and in its sourthern extremety marches with the Palamau district (separately recommended for partial exclusion) in the province of Bihar and Orissa. The Deputy Commissioner of Mirzapur gives strong reasons for partially excluding the area south of the Kaimur range. This area has been classed as a Scheduled District and has been the subject of notifications issued under that Act. It is a hilly tract consisting of (1) Tehsil Dudhi, (2) Pargana Agori of Robertsganj Tehsil, and (3) a small portion of Pargana Bijaigarh of Robertsganj Tehsil between the Kaimur range and the river Son. The tract is reported to be very backward inhabited for the most part by aborigines and jungle tribes of Kolarian origin. This tract has a rental system of its own under which rent is levied not on the capacity of the soil, but in relation to the number of ploughs maintained by the cultivator.

78. The Government of the United Provinces accept the recommendation of the Deputy Commissioner that this area should be partially excluded. With that recommendation we agree. It will be sufficient for the purposes of the Order in Council if the area is

described as "that portion of the Mirzapur district which lies south of the Kaimur Range", which is the wording adopted in Part IV of the Sixth Schedule of the Scheduled Districts Act.

79. To sum up, no part of the United Provinces is recommended for exclusion. The area and population of the two areas recommended for partial exclusion are—

	Area in square miles.	Population.
(1) Jaunsar-Bawar pargana in the Dehra Dun district	483	56,000
(2) The portion south of the Kaimur range in the Mirzapur district	1,767	146,000
Total	2,250	202,000

It is estimated that of the total population of Jaunsar-Bawar 53,600 are aborigines. In the portion south of the Kaimur range in the Mirzapur district the approximate aboriginal population is 90,000.

PUNJAB.

80. There are no aboriginal tribes in the Punjab. There are, however, two areas in the province, namely Spiti and Lahaul, at present notified as "backward tracts" under section 52A of the present Act. These areas were omitted from the draft Sixth Schedule; but in the course of the debate in the House of Commons on the 13th May 1935 the Under Secretary of State for India indicated that His Majesty's Government would be prepared to place Spiti and Lahaul in Part I as excluded areas.

81. Spiti and Lahaul form part of the Kangra district. The Waziri of Lahaul with an area of 1,764 square miles is on the north-east of Kulu. It has a population, Tibetan rather than Indian, of 8,000. The Waziri of Spiti with an area of 2,931 square miles marches with the eastern boundary of Lahaul. Its population of 3,700 persons is almost entirely Tibetan and Buddhist.

82. The reason for omitting these areas from the draft Sixth Schedule was that their physical inaccessibility over steep mountain passes was felt to be sufficient protection against unwise interference. The Government of the Punjab have agreed that both these tracts should be excluded areas, and that recommendation we accept.

83. It was recommended in Mr. Cadogan's amendment of the 10th May 1935 that the tehsil of Kulu and Saraj should be a partially excluded area: Saraj is in fact a sub-tehsil of the Kulu tehsil of the Kangra district. The total area of the Kulu tehsil, which is accessible at all seasons of the year, is 11,912 square miles. Fruit farms in the hands both of Indians and Europeans are extending in the tehsil, the produce of which is exported to all parts of Northern India. The Government of the Punjab consider the inhabitants of Kulu sufficiently developed to look after their own interests, and state that to exclude them now even partially would be a backward

step which they would resent. We endorse the opinion of the local Government that the Kulu tehsil should be neither excluded nor partially excluded.

84. Our recommendations for the Punjab are therefore confined to the single proposal that Spiti and Lahaul should be excluded areas.

THE NORTH-WEST FRONTIER PROVINCE.

85. There are no aboriginal tribes in the North-West Frontier Province. When the draft Sixth Schedule was under consideration the Under Secretary of State for India moved an amendment that upper Tanawal in the North-West Frontier Province, which is a notified backward tract, should be added as an excluded area. The amendment was not taken to a division when Order in Council procedure was substituted for the draft Schedule.

86. The circumstances of Upper Tanawal are explained in paragraph 4 of the local Government's letter No. 3079-P. C./1581-P. S., dated the 20th September 1935. Upper Tanawal in the Hazara district is the only de-regulationized part of the province. The area is technically British India, but the Chief of Amb and the Khan of Phulera, both of whom are hereditary chiefs, possess a peculiar status and jurisdiction requiring special treatment. The local Government have stated that special legislation for these chiefs might have been more logical, but may not have realized that such special legislation if it is to oust the jurisdiction of the local legislature and the Ministers could, so long as Upper Tanawal lies within provincial boundaries, be passed only by the British Parliament as an amendment of the recent Act. For obvius reasons this would be out of the question; and, since section 91 is not limited to backward areas, we maintain the recommendation we have already made that Upper Tanawal should be an excluded area.

BOMBAY AND THE CENTRAL PROVINCES.

87. In Assam and Bihar and Orissa the large aboriginal population occupies well defined extensive areas with a long history of special protection. In other provinces with which we have so far dealt, for instance, Madras and Bengal to which particularly our remarks apply, the aboriginal population though predominant in isolated areas is not a considerable proportion of the total population of the provinces. In all these provinces therefore the conditions in which we have discussed we have felt free to consider the circumstances of each tract without scrutinizing too closely the presumption which may be made that the representation of the aboriginal tribes in the local legislature will be relatively unimportant.

88. When, however, we come to Bombay and the Central Provinces the consideration which you describe at the end of your third paragraph as the only relevant consideration and which is based upon effective representation in the local legislature becomes cogent and the problem assumes a new aspect. In Bombay (excluding Sind) the aboriginal population numbers roughly 3,200,000 out of a total population of about 18 million. In the Central Provinces and Berar out of a total population of 16 million 3 million are aboriginals.

89. If the time at our disposal had not been limited by the necessity imposed upon you by section 91 of laying the draft of the Order in Council before Parliament within six months from the passing of the Act, we would have attempted to submit to you the closest estimate we could make of the relative and actual strength of the aboriginal population in the electorate, and of the representation they are likely to secure in the legislature. Such an estimate cannot be made until the enquiries of the Hammond Committee are completed and provisional electoral rolls are ready. For the moment we can only assume that in Bombay proper and in the Central Provinces where the aboriginal population amount respectively to roughly 12 and 19 per cent. of the total population their representation in the local legislature will be less than their population proportion, but may not be negligible.

90. The single relevant consideration you have instructed us to bear in mind requires us also to assess the administrative disadvantages of treating selected areas under the special provisions of section 91. Disadvantages certainly would attach to the selection of a large number of areas in a province, whether these areas be small or large, for special treatment in the matter of legislation. We do not, however, consider those disadvantages insurmountable. But we are more impressed by the disadvantages attendant upon a provision which would require the Governor personally to scrutinize administrative proposals of general application to the province in order to satisfy himself of their effects upon a large number of great or small areas.

91. These two lines of argument relevant to the degree of representation on the one hand and the measure of administrative disadvantage on the other lead us to two conclusions. The first is that there is no justification for the partial exclusion of areas occupied by aboriginals in Bombay and the Central Provinces in such a sweeping manner and in such large blocks as to cover practically the whole of the aboriginal population. It needs to be recognized that, whatever be the selection made, special protection under section 91 can be given to a portion only of the aboriginal population. We would hope however that in practice the partial exclusion of these areas where the condition of the aboriginals most justifies protection, coupled with a fair and possibly increasing representation of the whole aboriginal population in the local legislature, will afford protection to those also who will occupy areas not partially excluded.

92. Our second conclusion is that the administrative disadvantages attendant upon a multiplicity of partially excluded areas of differing local characteristics and necessities within a province might well render ineffectual the protection contemplated by special treatment. It would be administratively impossible for the Governor to exercise an individual judgment for tracts which do not lend themselves to immediate recognition, and involve meticulous and complicated description. We interpret your instructions therefore as requiring a judicious selection of areas capable of definition in terms of easily intelligible boundaries.

With these considerations in mind we turn to our examination of particular areas in Bombay and the Central Provinces.

Bombay.

93. The Bombay Presidency ranks third among the provinces of India in point of the number of aboriginals it contains. In round figures their total population is 2,200,000. No part of the Presidency, including Sind, is at present a backward tract under section 52A of the present Act. No area of the province was included in the draft Sixth Schedule for exclusion or partial exclusion.

94. In Mr. Cadogan's amendment of the 10th May it was proposed that the West Khandesh district; the Satpura Hills reserved forest areas of East Khandesh; the Surat and Thana districts; and the Dohad and Jhalod talukas of the Panch Mahals district should be partially excluded.

95. In their letter No. R.-282, dated the 10th November 1935, the Government of Bombay have reported that, in their opinion, except the Mewasi estates and the Akrani Mahal in the West Khandesh district, there is no area in the Presidency proper, or in Sind, which should be treated as an excluded or partially excluded area.

96. In the Bombay Presidency the district boundaries follow the heights of the Western Ghats and the Satpuras, which are the chief homes of the aborigines. In consequence their primitive inhabitants fall into administrative divisions on either side, in which they form one only among other elements of the local population. The most important primitive tribe in Bombay is that of the Bhils who total over half a million, followed by the 139,000 Varlis. Rivalling the Bhils in primitiveness are the 105,000 Thakurs and the 76,000 Katkaris.

97. The West Khandesh district contains nearly half the total Bhil population. The western part of that district is their chief centre, and they are found in large numbers in the Nawapur, Taloda, Nandurbar and Shahda talukas and in the Mewasi estates. The Collector is unable to give figures from the 1931 census showing taluka by taluka the proportion they bear to the general population, but in the 1921 census there was a classification of "backward" peoples of which the statistics were recorded taluka by taluka. The term "backward" includes many of the depressed classes as distinct from aboriginals, but subject to qualification on that ground the 1921 figures, which are as follows, are of some value as a rough guide.

Taluka.	Total.	Backward.
Nawapur	63,310	62,043
Taloda (excluding Mewasi estates)	51,181	38,344
Mewasi estates	46,582	24,817
Nandurbar	78.705	42,911
Shahada	69,440	32,468
	291,218	200,583

Figures are also available in the late Dr. Enok Hedberg's Linguistic and Educational Survey of this area. His calculations were made in 1923 and proportions cannot have varied to any really material extent since that time. Dr. Hedberg estimated the percentage of Bhils at 86 per cent. in the Nawapur taluka; in Taloda excluding the Akrani Mahal at 71 per cent.; in the Akrani Mahal at over 90 per cent.; in the Mewasi estates at 86 per cent.; in Nandurbar at 44 per cent. with a great preponderance to the west of the taluka; and in Shahada at 37 per cent. with a great preponderance in the north of the taluka. We believe these percentages to be a generally accurate indication of the distribution of the Bhils in the western parts of the West Khandesh district. Dr. Hedberg, who lived among the Bhils of this district for some years, makes a further comparison between the western areas of the district where the Bhils are strong in numbers and tribal culture and the eastern areas where the Bhils have dropped almost to the level of a depressed class.

98. The Collector appears to favour the partial exclusion of the western part of the district. The Commissioner disagrees apparently on the general ground, which the Government of Bombay also take, that the aboriginal and hill tribes in these areas are not so primitive as is frequently assumed. Instances are given of the extent to which Bhils take part in the administration of district and local boards and municipalities and emphasis is laid on the value of their contacts with the more advanced classes.

99. We accept the arguments of the Government of Bombay as conclusive reasoning against the exclusion of these areas for which there would be no justification. In particular there would be no justification for excluding the administration of the Ministers. But the problem of these tribes is more precise. It is whether their condition requires the limited protection given by partial exclusion, that is to say, control by the Governor of the application of provincial legislation, a power in the Governor to make Regulations, and an individual judgment in the Governor enabling him when necessary to control the action of his Ministers. We find ourselves unable to accept the suggestions of the Government of Bombay that protection of this limited kind would involve isolation or segregation or would, to take the example they give, cut off the Bhils from the sale of their produce or credit facilities. The broad effect of partial exclusion is simply to subject the normal legislative and executive jurisdiction of the province in selected areas to a degree of personal control by the Governor.

100. For reasons special to these localities the Government of Bombay recommend that the area comprising the Mewasi estates and the adjoining Akrani Mahal, to the former of which the Scheduled Districts Act applies, should be a partially excluded area. The particular ground on which this recommendation is proposed is that it would serve to safeguard the interests of the Mewasi chieftains more especially in regard to the inalienability of their estates. The issue, however, we have more particularly in mind, is the condition of the Bhils and other aboriginals in those talukas where they preponderate. The district officer mentions the needs for safeguarding the interests of the Bhils who he states will not be effectively represented in the

legislature. He mentions also the special concessions they receive in grants of land, and raises a doubt whether a future popular Government would allow those concessions to stand. These are strong arguments for special protection. We understand that the single seat provided for backward areas in the Bombay Provincial Assembly would, under the proposals of the Government of Bombay, be a reserved seat in a general constituency in the West Khandesh constituency. We are without material on which to form an estimate of the extent to which in other respects the Bhils would be able to influence elections to the provincial legislature. It is however reasonable to regard them as a class who might be unable to secure very effective representation, and it is apparent that they are a class requiring special protection. On these grounds we are disposed to go further than the Government of Bombay and we recommend the partial exclusion of the whole of the Nawapur, Taloda (including the Mewasi estates and the Akrani Mahal) Nandurbar and Shahada talukas.

101. The East Khandesh district to which the Government of Bombay make no reference is understood to contain over 50,000 aboriginals. They form only a small part of the total population of the district, but are concentrated for the most part on its northern boundary. Presumably on that ground it was proposed in Mr. Cadogan's amendment that the Satpura Hills reserved forest areas in East Khandesh should be a partially excluded area. Comment in the last Census Report of the Presidency of Bombay suggests the special care and attention which should be given to aboriginal tribes inhabiting reserved forest areas. We accept the proposal in Mr. Cadogan's amendment and recommend that the Satpura Hills reserved forest areas in the East Khandesh district should be a partially excluded area.

102. The Nasik district lies along the eastern edge of the Western Ghats, and, as might be expected, contains a considerable aboriginal and primitive population on its western borders. These are stated to number nearly 200,000.

The district officer argues strongly in favour of the partial exclusion of Peint Mahal, which covers an area of 433 square miles. The Commissioner of the Division holds that this Mahal is too small for separate treatment. The local Government agree that the aboriginal inhabitants are being expropriated from their lands and are passing into the hands of money-lenders; but they accept the Commissioner's argument against total exclusion, and observe that the aboriginal and hill tribes do not preponderate in the Mahal. The figures supplied by the Collector show a population in thirty villages of the Mahal of 5,183 aboriginal inhabitants out of a total population of 58,000 in two hundred and forty-five villages. At the same time the statistical table he has supplied indicates in the Kalvan taluka an aboriginal population of a little under 34,000 out of a total population of roughly 69,000. The local Government admit that conditions in Peint Mahal are such that the aboriginals should be specially protected owing to the danger of their appropriation. Conditions may be better in the remaining talukas of the Nasik district, but the correct conclusion to our minds is that both the Peint Mahal and the Kalvan taluka should be partially

excluded and that is our recommendation. We note that of the 193 villages of the Kalvan taluka 116 have a population which is 99 per cent. aboriginal.

103 The Thana district flanks the ghats on the west as Nasik flanks them on the east. Even excluding the Kolis, the district has an aboriginal population of over 200,000. The Mokhada Peta is a tongue of backward country stretching between Jawhar State on the west and the most primitive tract of the Nasik district on the east. Similar conditions would seem to exist in Dahanu which stretches up the west side of Jawhar State, and is an important area for the Varlis who spread from this area through Jawhar State and the Mokhada Peta into Nasik. The district officer describes them in qualified terms as "not really very backward". They are however essentially a forest tribe driven to undertake work as labourers only owing to economic pressure. Again Shahapur is an important area for Thakurs who are one of the most primitive tribes in the Presidency. The local Government take the view that the lack of progress shown by the Katkaris and Thakurs is due to the absence of proper contacts with more advanced people.

This comment itself indicates need for protection. It is not claimed that the voting strength of the aboriginals will be sufficient to secure their representation in this district. The population of Mokhada Peta is stated by the district officer to be almost entirely aboriginal, and among other areas in which they form an appreciable element in the population are those talukas we have mentioned and the Umbergaon Peta. We accordingly recommend that the Mokhada Peta, the Umbergaon Peta, and the Dahanu and Shahapur talukas of the Thana district should be a partially excluded area.

104. In the Panch Mahals district the total aboriginal and hill population is over 31 per cent. of the whole. The bulk of the aboriginal population is in the talukas of Dohad and Jhalod, where they number 79 per cent. of the population, a proportion which would be higher were it not for the town of Dohad. The aboriginal population is almost entirely Bhil. The local Government, after expressing the opinion which we find difficult to accept that the population is not aboriginal but backward, take the view that isolation or segregation would retard progress. We have already explained that partial exclusion carries with it no implication of isolation or segregation. The Government of Bombay recognize that special measures are required to ameliorate the condition of the aboriginal and primitive inhabitants of the Dohad taluka and the Jhalod Mahal of the Panch Mahals district. They are admittedly backward, uneducated, and economically poor. We accordingly accept the proposal in Mr. Cadogan's amendment that these areas should be partially excluded.

105. We agree with the Government of Bombay that, though the aboriginal population of the Surat district forms 25 per cent. of the whole, there is no area of any size in the district where aboriginals are so concentrated that partial exclusion would be feasible or desirable.

106. We further agree with the Government of Bombay that no area in Sind requires special treatment.

107. To sum up, we propose that in the Presidency of Bombay there should be no excluded area. We recommend that the following should be partially excluded areas—

(1) the Nawapur, Taloda (including the Mewasi estates and the Akrani Mahal) Nandurbar and Shahada talukas of the West Khandesh district;

(2) the Satpura Hills reserved forest areas of the East Khandesh district;

(3) Peint Mahal and the Kalvan taluka of the Nasik district;

(4) Mokhada Peta, Umbergaon Peta, and the Dahanu and Shahapur talukas of the Thana district;

(5) the Dohad taluka and Jhalod Mahal of the Panch Mahals district.

THE CENTRAL PROVINCES AND BERAR.

108. In terms of their aboriginal population the Central Provinces and Berar stand next to Bihar and Orissa with a total of roughly 3 million primitive inhabitants. The aboriginal tribes occupy two main areas; one the long Satpura plateau running west from the States of Korea, Surguja and Udaipur; the other the wild plateau country from the south of the Drug district along the east side of the Chanda district and marching with the Kanker and Bastar States, which are two of the most solidly aboriginal areas in India. Except that the plateaus are more narrow, the geographical factors are not unlike those of Bihar and Orissa.

109. The Gonds totalling roughly 2 million are by far the most important aboriginal tribe in the province. The Bhils, who are the predominant aboriginal tribe of Bombay, are found only in the extreme west of the province.

110. Though certain areas have in the present constitution been excluded from constituencies, no part of the Central Provinces is a notified backward tract under section 52A of the present Act. No proposals for any areas in the Central Provinces and Berar were included in the draft Sixth Schedule.

111. In Mr. Cadogan's amendment of the 10th May 1935, it was proposed—

(*a*) that the following should be excluded areas:—

The Dindori tehsil of the Mandla district.

The Garchiroli tehsil, Sironcha tehsil and Zamindaris, and the Ahiri Zamindaris of the Chanda district.

(*b*) that the following should be partially excluded areas:—

The Seoni district.

The Chhindwara district.

Such areas of the Mandla district as are not excluded.

Such areas of the Chanda district as are not excluded.

The Harsud tehsil of the Nimar district.

The Betul and Bhainsdehi tehsils of the Betul district.

Raipur district, except the Raipur and Baloda Bazar tehsils, and the Phusar, Bilaigarh, Katgi, and Bhatgaon Zamindaris.

The Sanjari tehsil Zamindari of the Drug district.

The Bilaspur district, except the Bilaspur tehsil, Khalsa and Janjgir tehsil.

112. In their letter No. C. 1747/853-R., dated the 11th October 1935, the Government of the Central Provinces recommend that no area of the province should be an excluded area. This recommendation we accept. We find no tract so situated in the Central Provinces that it could benefit by exclusion from the normal administrative life of the province.

113. The local Government recommend that the following areas should be partially excluded areas—

(1) Ahiri Zamindari of the Chanda district.

(2) the Zamindaris of the Garchiroli tehsil of the Chanda district.

(3) the Chhindwara Jagirdaris of the Chhindwara district.

(4) the Dindori and Niwas tehsils of the Mandla district.

(5) the Satgarh (comprising seven zamindaris) in the Bilaspur district.

(6) the Aundhi, Panabaras and Ambagarh Chowki zamindaris of Drug district. (These zamindaris were transferred from the Chanda district).

(7) the Melghat of the Amraoti district in Berar.

The local Government explain that the seven areas mentioned above would fall into five compact areas; namely, the zamindari area stretching across the Chanda and Drug districts; the major portion of the Mandla district the upland zamindaris of the Bilaspur district known as the Satgarh; the Chhindwara jagirs and the Melghat in Berar.

114. We accept the recommendations of the local Government for the partial exclusion of the areas mentioned above. It is estimated that these recommendations would bring within the protection of partial exclusion some 396,000 aborigines out of a total aboriginal population of 4 million. Some further examination of the position district by district seems required both by these figures and our instructions. But in approaching such an examination we would seek cogent justification for any addition to the area recommended by the local Government, for their selection appears to us to approximate closely to the limits beyond which the protection afforded by partial exclusion cannot effectively be made operative.

115. It will be convenient to take first the plateau districts in order east to west. All ten zamindaris of the Bilaspur district are under the present constitution excluded from the franchise. The local Government agree with the Deputy Commissioner that the seven zamindaris known as the Satgarh, an area of great importance for Kawars as well as for Gonds, should be partially excluded and

that the Kanteli and Champa zamindaris should be fully included. Difference of opinion arises only as regards the northern half of the Pandaria zamindari. The Deputy Commissioner considers this should be partially excluded. The local Government do not refer directly to this proposal. The northern part of Pandaria belongs ethnically and geographically to the Dindori tehsil of the Mandla district and differs entirely from the open portions. It has in the past been regarded as the main Gond area of the zamindaris. We have examined the feasibility of bringing this tract within the list of partially excluded areas. We find that the zamindari would have to be divided by a description of boundaries so precise as to refer to patwari circles. We think the inclusion of such an area would offend against the general principle we have described of selecting simple and easily intelligible boundaries. We therefore propose no other addition to the area in the Bilaspur district recommended for partial exclusion by the local Government other than the small Padampur tract on the southern boundary of the district which will, after the separation of Orissa, form part of the partially excluded Sambalpur district in the new province.

116. The Mandla district lying to the south of the Path tract of the Rewa State is the chief home of the Gonds. Taking the district as a whole there is a 61 per cent. preponderance of aboriginals throughout the district. While recommending that the Dindori and Niwas tehsils should be partially excluded, the local Government think this unnecessary for the Mandla tehsil, which they state to be appreciably less backward than the rest of the district. The tehsil, however, contains an area of advanced people in the neighbourhood of the Mandla town; and, if that area be excepted, a rough calculation based on area and population shows that the aboriginals number about 68 per cent. of the population, and are in all material circumstances similar to the aboriginals of the Dindori and Niwas tehsils. We accordingly recommend that the whole of the Mandla district should be partially excluded.

117. The Jubbulpore district contains an aboriginal population of 200,000. Most of it is so scattered that it cannot be covered by any proposals for partial exclusion, but a fair proportion is found in the fringe areas. These the Deputy Commissioner specifies in his letter of the 29th August 1935. The most important is the Kundam Revenue Inspector's Circle of 248 square miles containing what the Commissioner describes as a solid block of 40,000 aboriginal inhabitants. Both the Deputy Commissioner and the Commissioner are in favour of the partial exclusion of this circle. Conditions are apparently the same as in the Niwas tehsil of the Mandla district which this circle adjoins. On these grounds a case could be made out for the partial exclusion of this area; but for the more general administrative reasons which we have described we are reluctant to add to the personal responsibilities of the Governor an individual judgment for such an area as a single revenue inspector's circle in addition to the several other and larger areas the partial exclusion of which we have recommended. We agree therefore with the local Government that no part of the Jubbulpore district should be partially excluded.

118. The local Government, the Commissioner of the Division and the Deputy Commissioner are all agreed that the Chhindwara and Amarwara Jagirs of the Chhindwara district should be partially excluded. They are scheduled under the Scheduled Districts Act. It has been ascertained from the local Government that the word Amarwara need not be included in the Order in Council. The term Jagirdaris of the Chhindwara district will accurately describe the tract. We agree that no other part of the Chhindwara district should be partially excluded. To this extent we are unable to accept in full the recommendation in Mr. Cadogan's amendment of the 10th May 1935.

119. In that amendment it was further suggested that the Seoni district should be partially excluded. The Seoni district is no longer a separate administrative unit. In the Seoni sub-division of the Chhindwara district the figures in themselves would seem to give a *prima facie* case for the partial exclusion of the Lakhnadon tehsil. In this case, however, figures may be misleading. The main pass over the Satpura plateau is through this area, and though aboriginals predominate in the tehsil foreign infiltration is understood to have caused detribalization. We agree that no part of the Seoni sub-division of the Chhindwara district should be partially excluded.

120. The Betul district contains some 150,000 Gonds and Korkus. In the proportion of aborigines to total population the Multani tehsil differs greatly from the Bhainsdehi and Betul tehsils, since in it the only primitive area is the Dabka forest range in its south-west corner. The Betul and Bhainsdehi tehsils are much more primitive, and taken together have a proportion of 51·6 per cent. aboriginals. The Deputy Commissioner advocates the total exclusion of the Bhainsdehi tehsil and of the forest ranges of the other tehsils. The Commissioner of the Nagpur Division recommends the partial exclusion of the bulk of the Bhainsdehi tehsil and of certain ranges of the other tehsils. The local Government do not consider the aboriginal areas of sufficient size to warrant partial exclusion.

121. The Bhainsdehi tehsil taken alone has an aboriginal population of 54·2 per cent. Most of it is wild country with few means of communication other than forest tracts, identical with the Melghat to which it ethnically and geographically belongs. Agreeing with the proposal in Mr. Cadogan's amendment, we recommend that the Bhainsdehi tehsil of the Betul district should be partially excluded.

122. In the Betul tehsil the population is approximately half aboriginal and half advanced. For the most part the aborigines are confined to and predominate in the northern hill ranges. Having considered the circumstances of this tehsil we are not prepared to add to the administrative difficulties of the Governor by selecting for partial exclusion particular hill ranges in the tehsil incapable of easy definition and recognition, and adding them to the areas already recommended by the local Government. We propose that no part of the Betul tehsil of the Betul district be partially excluded.

123. The Hoshangabad district falls naturally into two parts, a plains area to the north and a hill area to the south. Consequently it presents the problem of "fringe areas" in an acute form. Considering any area less than a tehsil unsuitable for partial exclusion the local Government hold that there is no good case for the partial exclusion of any part of this district. But it contains 120,000 primitive aboriginals. The local officers make certain suggestions that particular areas on the southern border of the district, where aboriginals are concentrated and predominate, should be partially excluded. The area proposed in the Harda tehsil for partial exclusion is the wild tract to the south. In shape it is an inlet into the primitive hill area of the Betul district to which it ethnically and geographically belongs. Again, in the Seoni Malwa tehsil the backward tracts are on the extreme southern border. In the Hoshangabad tehsil lie the Bordha and Taku estates to the conditions in which the Deputy Commissioner draws attention. They are situated in a tract of country lying to the south of the tehsil and cut-off from the rest of it by a range of mountains pierced only by the Itarsi-Betul road. On this range are the forest villages for which also the Deputy Commissioner claims partial exclusion. Of the tehsils the poorest is Sohagpur. The hill country which covers the southern portion rises to over 4,000 feet to the east, where Jagirdars own the land, Two of the Jagirdars are Korkus and one a Gond. The Deputy Commissioner describes these Jagirs as areas where shifting cultivation is still practised. In the Narsinghpur tehsil which is more open than the other tehsils the Deputy Commissioner suggests but does not press for the partial exclusion of certain areas.

124. We find by reference to the reports of the local officers that the areas recommended for partial exclusion fall into three blocks, each of which in the absence of any more simple boundary is described in groups either of patwari circles, forest areas, or portions of Jagirs. For reasons we have already sufficiently explained we hold such areas unsuitable for recognition as partially excluded areas. We agree with the Government of the Central Provinces that no part of the Hoshangabad district should be partially excluded. There were no proposals for this district in Mr. Cadogan's amendment.

125. There are backward areas in the Nimar district, for example the Khaknar tract of the Burhanpur tehsil and the Padlia revenue inspector's circle of the Harsud tehsil. The local officers advocate their partial exclusion. The local Government agree that they are backward but consider them more advanced than the adjoining Melghat. They oppose their partial exclusion on the ground that they have received an influx of more advanced cultivators. We observe that if the Harsud tehsil were partially excluded, as is indeed recommended in Mr. Cadogan's amendment, it would form with the Melghat and the Bhainsdehi tehsil of the Betul district a compact and easily recognizable block subject to the special treatment which partial exclusion would afford. But the partial exclusion of the whole of the Harsud tehsil would on the conditions which exist there not be justified; and our detailed examination has satisfied us that the selection of tracts such as the Khaknar and Padlia tracts would

involve elaborate description and even reference to individual villages. We think such a selection administratively undesirable. We therefore make no recommendation for partial exclusion in respect of the Nimar district.

126. The local Government, the Deputy Commissioner and the Commissioner all agree that the Melghat in the Amraoti district of Berar should be partially excluded. We have expressed our acceptance of this proposal. We agree with the local Government and their local officers that no other area in this district requires special protection.

127. The Baihar tehsil of the Balaghat district belongs ethnically and geographically to the Mandla district. The Commissioner, differing from the view of the Deputy Commissioner, suggests special treatment. The local Government oppose its partial exclusion on the ground that there is a considerable sprinkling of advanced classes, and the area is a grazing centre with communications with the more advanced country. Partial exclusion would not interfere with those communications, and the arguments of the local Government might have been used in the opposite sense to reinforce a case for partial exclusion. Taken as a whole this tehsil contains a predominance of 55·8 per cent. of aboriginals resembling in their conditions those of the Mandla district. We recommend that the Baihar tehsil be treated in the same manner as the adjoining Mandla district and be partially excluded.

128. We come now to the plateau running south from the eastern extremity of the province. The Raipur district with the exception of areas specifically omitted was proposed by Mr. Cadogan for partial exclusion. The local Government recommend the partial exclusion of no part of the Raipur district.

We have, however, specially considered the zamindaris lying to the east of the district, conditions in which are discussed by the local Government and in the reports of their local officers. The boundaries of the Bindra-Nawagarh and Khariar estates run slant-wise across the hills in which the aboriginals live, leaving open advanced areas at the extremity of the zamindaris. Both estates are scheduled under the Scheduled Districts Act. The local officers recommend that the Bindra-Nawagarh zamindari should be partially excluded. The local Government state that it has been badly administered and taken under the Court of Wards. They oppose partial exclusion on the ground that management by the Court of Wards will be sufficient. Without committing ourselves to accept this particular argument we observe from the report submitted by the district officer that the population of Bindra-Nawagarh has risen from rather below 60,000 in 1901 to nearly 90,000 at the last census. Of these rather less than half are stated by the local Government to belong to primitive tribes. As the local Government observe the opening of the Raipur-Vizianagram Railway has already contributed to the development of these areas in the Raipur district and this factor will progressively apply. The only other estate recommended for partial exclusion by the local officers is the small Deori estate covering an area of only 85 square

miles. The Deori, Suarmar, Narra and Kauria estates are excluded from the franchise under the present constitution, but this distinction will shortly disappear. The Khariar estate will pass to the Sambalpur district when Orissa is separated, but the local Government express their opinion that it need not be treated as a partially excluded area.

129. The Government of Bihar and Orissa have recommended, and we have agreed, that the whole of the Sambalpur district should be a partially excluded area, and should so remain until its local laws have been adjusted to the laws of the new Orissa province. The addition of Khariar would add further complications to the laws in force in the Sambalpur district. It would be undesirable that, when Khariar is added to Sambalpur, it should be on a different constitutional footing from the rest of the district, which itself contains large areas in many ways more advanced than Khariar. By reasons of these considerations we recommend that the Khariar estate of the Raipur district should be partially excluded. For the remainder of the district which will remain in the Central Provinces we accept the view of the local Government that no special protection is needed.

130. The most backward part of the Drug district is that covered by the four zamindaris of Aundhi, Koracha, Panabaras, and Ambagarh Chowki transferred from the Chanda district in 1907. The local Government agree with the local officers that these areas should be partially excluded. We have accepted this recommendation and have no addition to suggest. We endorse the reasons given by the local Government for refusing special protection to the Sironcha tehsil which was mentioned in Mr. Cadogan's amendment. In that tehsil which covers open and fertile country the primitive tribes are scarcely more than 20 per cent. of the total population.

131. To the recommendations of the local Government we have made the following additions: the Mandla tehsil of the Mandla district and the Baihar tehsil of the Balaghat district. These will form a compact block with the two remaining tehsils of the Mandla district recommended by the local Government for partial exclusion. We have also added the Bhainsdehi tehsil of the Betul district, which adjoins the Melghat of the Amraoti district. We therefore leave undisturbed the five compact blocks recommended by the local Government for partial exclusion, since we have done no more than extend the area of two of those blocks. In all other respects we have adopted the recommendations of the local Government, save only that for reasons related to the future treatment of the Sambalpur district we have recommended that the Khariar estate in the Raipur district and the small Padampur tract in the Bilaspur district, both of which will be amalgamated with the Sambalpur district when Orissa is separated, should both be partially excluded areas.

132. Our recommendations then for the Central Provinces and Berar are:—

(*a*) that there should be no excluded area; and

(*b*) that the following should be partially excluded areas:—

(1) the Ahiri zamindari and the zamindaris of the Garchiroli tehsil of the Chanda district;

(2) the Chhindwara jagirdaris of the Chhindwara district;

(3) the Mandla district;

(4) the Satgarh in the Bilaspur district and in the same district the Padampur tract for transfer to Orissa;

(5) the Aundhi, Koracha, Panabaras and Ambagarh Chowki zamindaris of the Drug district;

(6) the Baihar tehsil of the Balaghat district;

(7) the Melghat in the Amraoti district of Berar;

(8) the Khariar estate in the Raipur district for transfer to Orissa; and

(9) the Bhainsdehi tehsil of the Betul district.

CONCLUSIONS.

133. We have now completed our survey of the proposals of each provincial Government. As will be seen our scrutiny has extended beyond the areas recommended by the provincial Governments for special treatment to include an investigation as instructed by you of conditions in all areas where primitive peoples preponderate. We have accepted without change the recommendations of the Governments of Assam. Bihar and Orissa, Madras, the United Provinces, the Punjab and the North-West Frontier Province. To the proposals for partial exclusion of the Government of Bengal we have added two parganas in the Mymensingh district for the better protection more especially of the Garos living on its northern boundary. In all material respects we have left undisturbed the proposals of the Government of the Central Provinces, since our proposals do not more than expand two of the five areas recommended for special treatment. In Bombay we have departed somewhat extensively from the limited recommendation of the local Government. Taking the western portions of the West Khandesh district as the chief home of the Bhil tribes we have proposed special protection for them over a wide area in that district, and we have added areas in the East Khandesh, Nasik, Thana, and Panch Mahals districts which on the facts before us have seemed to merit special protection.

134. Our recommendations for entries in the Order in Council to be laid before Parliament under the provisions of section 91 would therefore read as follows:—

PART I.—EXCLUDED AREAS.

1. The North-East Frontier (Sadiya, Balipara and Lakhimpur) Tracts.
2. The Naga Hills District.
3. The Lushai Hills District.
4. The North Cachar Hills (in the Cachar District).
5. The Chittagong Hill Tracts.
6. Spiti and Lahaul in the Kangra District.
7. The Laccadive (including Minicoy) and the Amindivi Islands.
8. Upper Tanawal in the Hazara District.

Of these Nos. 4 and 7 were previously in Part II of the draft Sixth Schedule. No. 6, though a backward tract in the present constitution, did not appear in the draft Sixth Schedule. No. 8, also a backward tract in the present constitution, was the subject of a Government amendment when the draft Bill was before Parliament.

PART II.—PARTIALLY EXCLUDED AREAS.

1. The Garo Hills District.

2. The Mikir Hills (in the Nowgong and Sibsagar Districts).

3. The British portion of the Khasi and Jaintia Hills District, other than the Shillong Municipality and Cantonment.

4. The District of Angul.

5. The Chota Nagpur Division.

6. The District of Sambalpur.

7. The Santal Parganas District.

8. The Darjeeling District.

9. The Sherpur and Susang Parganas of the Mymensingh District.

10. The Ganjam, Vizagapatam and East Godavari Agencies.

11. The Jaunsar-Bawar Pargana of the Dehra Dun District.

12. The portion south of the Kaimur range in the Mirjapur District.

13. The Nawapur, Taloda (including the Akrani Mahal and the Mewasi estates), Nandurbar, and Shahada Talukas of the West Khandesh District.

14. The Satpura Hills Reserved Forest Areas of the East Khandesh District.

15. Peint Mahal and the Kalvan Taluka of the Nasik District.

16. Mokhada Peta, Umbergaon Peta, and the Dahanu and Shahapur Talukas of the Thana District.

17. The Dohad Taluka and the Jhalod Mahal of the Panch Mahals District.

18. The Ahiri Zamindaris and Zamindaris of the Garchiroli Tehsil of the Chanda District.

19. The Chhindwara Jagirdars of the Chhindwara District.

20. The Mandla District.

21. The Satgarh in the Bilaspur District; and in the same district the Padampur tract for transfer to Orissa.

22. The Aundhi, Koracha, Panabaras and Ambagarh Chowki Zamindaris of the Drug District.

23. The Baihar Tehsil of the Balaghat District.

24. The Melghat in the Amraoti District.

25. The Khariar Estate in the Raipur District for transfer to Orissa.

26. The Bhainsdehi Tehsil of the Betul District.

Of these areas Nos. 1 to 8 inclusive and No. 10 appeared in the original draft Sixth Schedule. Recommendations, whether for exclusion or partial exclusion, were made in Mr. Cadogan's amendment as regards Nos. 9, 13, 14, 16, 17, 18, 19, 20, 22, and 26. Of areas not mentioned in Mr. Cadogan's amendment, we have added Nos. 11 and 12 on the recommendation of the Government of the United Provinces, and Nos. 21 (so far as it relates to the Satgarh) and 24 on the recommendation of the Government of the Central Provinces. To the list we have, as a result of our scrutiny of the material before us, ourselves added Nos. 15, 23, and 25.

SPECIAL OFFICER.

135. The provincial replies include the comments of the local Governments on the suggestions in your letter regarding the appointment of a special officer to be charged with the interests and welfare of the aboriginal and primitive population. In view of their limited finances the Government of Assam observe that they would not be able to afford a special officer. The Government of Bengal consider the appointment unnecessary in that province. The same opinion is held by the Government of Bihar and Orissa, where in the ordinary course of administration special attention is given to aboriginal needs, and by the Government of the United Provinces. The Governments of the Punjab and the North-West Frontier Province are not concerned. The Government of the Central Provinces do not refer to the proposal, which is however supported by the Commissioner of the Nagpur Division. The Government of Madras suggest that their present Labour Commissioner might be designated Commissioner of Labour and of Backward Areas, and that he might report on the areas as required. In Bombay, there is already a Backward Class Officer; and it has been decided, when funds are available, to appoint a special assistant to look after the welfare of the aboriginal tribes. Emphasis is very generally laid in the provincial replies on the function of the district officer to acquaint himself with the needs of the aboriginal and backward people living within his jurisdiction, and there is a tendency to attach greater value to the protection the district officer can give than to the appointment of a special officer.

136. We do not think it necessary at this stage to take decisions regarding those provinces in which a special officer might be required. Nor could any such decisions be given permanent binding force, since conditions which at one time might prompt the appointment of a special officer might change and render such an appointment subsequently unnecessary or undesirable. On general grounds we think it unlikely that a special officer would be needed in Bengal or the United Provinces. Nor would an officer of that description be required in the Punjab, the North-West Frontier Province or in Sind, where there are no aboriginal tribes of the type whose protection we are discussing. In Assam, in Bihar, and in Orissa the aboriginals will be grouped in large specially protected areas, and the attention given to their interests by the local district staff may not require to be supplemented by the appointment of a special officer. A stronger case for such an

appointment might seem to arise in Madras, Bombay and the Central Provinces. We do not however press that view to the point of any definite recommendation. Full power will under the new constitution rest with the Governor to decide whether such appointment is required by local circumstances. Where, as in Assam, there will be large excluded areas the Governor in taking his decision, would act in his discretion; elsewhere, in his individual judgment. In either case he will be subject to the control of the Governor-General and ultimately of yourself.

We have the honour to be,

MY LORD MARQUESS,

Your Lordship's most obedient humble Servants,

(Signed) R. A. CASSELS.

,, F. NOYCE.

,, P. J. GRIGG.

,, H. D. CRAIK.

,, ZAFRULLA KHAN.

GIPD—L482 RO—31-1-36—3,000.

ENCLOSURES.

1. Letter from the India Office to the Government of India, No. P. & J. (C)-5420, dated the 7th June 1935.

2. Letter from the Government of India to all local Governments (except Burma), No. F.-4/35-G. (B.), dated the 2nd July 1935.

3. Letter from the Government of Madras to the Government of India, No. MS-1755, dated the 25th October 1935 (with annexure).

4. Letter from the Government of Madras to the Government of India, No. 27982/35-1, dated the 7th November 1935 (with enclosures).

5. Letter from the Government of Bombay to the Government of India, No. R.-282, dated the 10th November 1935 (with enclosures).

6. Letter from the Government of Bengal to the Government of India, No. 2029, dated the 17th October 1935 (with enclosure).

7. Letter from the Government of Bengal to the Government of India, No. 3966-A. R., dated the 6th November 1935.

8. Letter from the Government of the United Provinces to the Government of India, No. 1877-R., dated the 30th November 1935 (with enclosures).

9. Letter from the Government of the Punjab to the Government of India, No. 4-S./Reforms, dated the 4th September 1935.

10. Letter from the Government of Bihar and Orissa to the Government of India, No. 7342-A. R., dated the 18th October 1935 (with annexures).

11. Letter from the Government of the Central Provinces to the Government of India, No. C.-1747-853 R., dated the 11th October 1935.

12. Letter from the Government of the Central Provinces to the Government of India, No. 469-956-R., dated the 16th November 1935.

13. Letter from the Government of Assam to the Government of India, No. 3044 FR., dated the 9th October 1935 (with enclosures).

14. Letter from the Government of Assam to the Government of India, No. 3106 F.R., dated the 16th October 1935.

15. Letter from the Government of Assam to the Government of India, No. 3185 FR., dated the 7th November 1935.

16. Letter from the Government of the North-West Frontier Province to the Government of India, No. 3079-P. C./1581-P. S., dated the 20th September 1953.

LETTER FROM THE INDIA OFFICE TO THE GOVERNMENT OF INDIA, No. P. & J. (C) 5420, DATED THE 7TH JUNE 1935.

As the Government of India will be aware, the House of Commons, in Committee on the Government of India Bill, omitted the Sixth Schedule containing a list of the areas which it had been proposed to class as Excluded and Partially Excluded respectively, and clause 91 of the Bill has now been consequentially amended by the House so as to give power to determine by Order in Council the areas to be so classified, subject to the provision that the draft of the Order proposed for this purpose is to be laid before Parliament for approval not later than six months after the passing of the Act. This change in the provisions of the Bill as introduced was due to a doubt very generally expressed by members of all parties whether the areas enumerated in the Schedule, and particularly those to be treated as partially excluded, would be sufficiently comprehensive to include all the aboriginal and other backward tribes which ought not to be subject to the normal consequences of popular Government; there was also some feeling that the proposals contained in the Schedule were the result of insufficient examination of the needs to be met.

2. I am, therefore, directed by the Secretary of State to request that the Government of India will initiate without delay, and carry to a conclusion as soon as possible, an examination *de novo* by each Provincial Government of this problem. The Secretary of state intends to lay before Parliament as a White Paper, together with the draft of the Order in Council as finally proposed, the report of each provincial Government which I am now to request you to obtain, and the recommendations of the Government of India upon it. It is clear to him that the House of Commons at all events will not be prepared to approve the draft Order in Council unless it is satisfied that the proposals contained in it are the result of an exhaustive examination by each provincial Government and by the Government of India of the problem as it affects each Province, with a full statement of the grounds not only for proposals for including specified areas within the category of excluded or partially excluded, as the case may be, but also for proposals for not so including any area the population of which consists to an appreciable extent of aborigines or very backward people.

3. The Secretary of State does not question the principle which the Government of India adopted in classifying areas as "backward tracts" under S. 52A of the existing Act that, having regard to the limitations consequent upon *total exclusion* upon the powers of the legislatures and of the Ministers responsible to them, the areas to be placed in that category must be based upon strict necessity and must be as limited as possible in scope consistently with the needs of the aboriginal population. But he is satisfied that the nature of the powers conferred by the Bill upon the Governors of Provinces in relation to the administration of areas to be classified under the Bill as "partially excluded" are not such as to necessitate hesitation to include in that category any area containing a preponderance of aborigines or very backward people which is of sufficient size to make

possible the application to it of special legislation, and to be susceptible without inconvenience of special administrative treatment. In fact the Secretary of State as at present advised is of opinion that this is the criterion which should be adopted in re-examining the matter, and that any area which satisfies the conditions just stated, or to which it has in the past been found necessary to apply the provisions of the Scheduled Districts Act, ought *prima facie* to be classified as partially excluded, even though it may not have been treated as a "backward tract" under the present Act. He expresses now no opinion as to extent to which the areas included in Part II of Schedule VI represented, in fact, all the areas in British India to which these tests are applicable, but he feels that he will not be able to defend the omission of such an area from the partially excluded category merely on the ground that it has not hitherto been subject to any special legislation or administrative arrangements. It cannot be assumed that the measures which may have been thought necessary in any given Province generally, or in relation to any given area in that province, in order to safeguard the interests of aboriginal or backward tribes against the effects of the comparatively limited powers of provincial self-government by the Act of 1919 will adequately safeguard the interests of aboriginal and backward tribes in face of the much wider powers of provincial self-government to be conferred by the present Bill. In the Secretary of State's view the only relevant consideration in present circumstances is whether the best interests of classes of the population which cannot be represented, or effectively represented, in the Legislature, will be served by the application to them, without modification or adaptation, of the legislation and the methods of administration which will be in force generally throughout the Provinces, and if not, to what extent the areas in which such classes predominate can be brought, without administrative disadvantage or without countervailing disadvantage to the remainder of the inhabitants of the area, within the special provisions of Chapter V of Part III of the Bill.

4. I am to add that there is evidently considerable uneasiness in the House of Commons as to the means which will be available to the Governor of securing that knowledge of the needs of any partially excluded area upon which the due discharge of his special responsibility for those areas must depend, and that this uneasiness would be greatly allayed if it were found possible to appoint in any Province where they are sufficiently extensive to justify such an appointment a selected officer as an adviser in regard to these areas, with the special duty of keeping the Government and the Governor fully informed of their needs. The services of such an officer might also be valuable in connexion with the needs of isolated bodies of aboriginal or backward people living in areas which it may be found impossible to classify as Partially Excluded, whom the Governor may find it necessary on that account to treat as falling within the purview of his special responsibility for the legitimate interests of minorities. I am to request that this proposal may be commended to the attention of all provincial Governments and to request that their views upon it may be included in their several reports.

5. As to the scope and methods of the investigation now to be made, the Secretary of State has made it clear to the House of Commons that he is not prepared to contemplate the setting up of any special committee or commission for the purpose. He desires the investigation to be carried out by each provincial Government themselves, whether through the aid of an officer appointed for the purpose or in such other manner as they may find convenient, but that it should in any case be based upon a full examination of the conditions of each district by the District Officer himself. If in any Province, or in the Government of India, there is available any officer with special experience of the habits and needs of aboriginal people, it will clearly be of advantage if his knowledge is brought to bear upon the proposals to be formulated.

6. The Secretary of State would be glad to receive the Government of India's proposals, after the completion of the investigation, not later than December 31st.

LETTER FROM THE GOVERNMENT OF INDIA TO ALL LOCAL GOVERNMENTS (EXCEPT BURMA), No. F.-4/35-G. (B.), DATED THE 2ND JULY 1935.

A copy of India Office letter No. P. & J. (C) 5420, dated 7th June 1935, is forwarded with the request that *de novo* examination of problems mentioned therein may be urgently initiated. The Government of India would be glad to receive local Government's final recommendations and full report as required by the Secretary of State by middle of October at latest.

LETTER FROM THE GOVERNMENT OF MADRAS TO THE GOVERNMENT OF INDIA, No. MS. 1755, DATED THE 25TH OCTOBER 1935.

I am to invite a reference to the Reforms Office letter No. F. 4/35-G. (B.), dated 2nd July 1935, and to say that in accordance with the instructions contained in the India Office letter No. P. & J. (C) 5420, dated 7th June 1935, the Government of Madras have caused a full and detailed examination of the areas to be treated as excluded or as partially excluded. The Collector of every district was asked to examine the case of areas in his district which contain an appreciable population of aborigines or very backward people and to submit his recommendations to the Government. The Collectors were asked to consider, in the light of the observations contained in the India Office letter referred to above, the desirability of classifying any such area as 'excluded' or 'partially excluded' and to give full reasons not only for recommending any such area for exclusion or partial exclusion but also for not recommending the exclusion or partial exclusion of any area which contains an appreciable population of aborigines or very backward people.

2. This Government considered it unnecessary to appoint a special officer to conduct the investigation as two Members of Council and two Secretaries to Government, who are well acquainted with the conditions in the agency and other backward areas in this Province, are at the seat of Government and their knowledge and experience were available in dealing with this important question.

3. There is no area in the districts specified in the margin* which contains an appreciable number of aborigines or very backward people. No question therefore arises of treating any area in these districts as 'excluded' or 'partially excluded'. The cases of other districts in the Province are examined in detail below:—

* Bellary. Kistna. Chingleput. Madura. Chittoor. Nellore. Cuddapah. Ramnad. West Godavari. Tanjore and South Kanara. Tinnevelly.

(i) *Ganjam district.*—The Ganjam agency is a backward area and contains a preponderance of aborigines and backward communities whose approximate population with the localities where they are to be found is shown below:—

	Area in square miles.	Aboriginal.	Backward communities.	Others.	Total.
Parlakimedi Malihas .	355	49,169	4,425	16,087	69,681
Pondakhole Malihas Surada Agency.	102	1,200	500	1,137	2,837
R. Udayagiri. . .	953	38,224	13,924	39,429	91,577
Balliguda . . .	1,669	46,546	23,251	39,158	108,955
G. Udayagiri . .	504	35,960	21,339	27,389	85,188
		171,099	63,439	123,700	358,238

The Madras Government consider that the whole of the Ganjam Agency should be classed as a 'partially excluded area' and no administrative inconvenience is likely to result from such classification

as this area is already administered under the Scheduled Districts Act. They are however strongly opposed to the idea of making the area an 'excluded area', as it contains a considerable proportion of population that is neither primitive nor specially backward, as it is closely connected with the adjoining 'plains areas' in which some of its markets lie and as partial exclusion will in their opinion give sufficient protection. This Government understand that the Bihar and Orissa Government do not propose to classify the adjoining portions of Orissa as 'excluded' and they have no reason to suppose that the agency portion of Ganjam is in any way more backward.

(ii) *Vizagapatam district.*—On the whole the Vizagapatam agency is less backward than the Ganjam agency (though one taluk is perhaps the most primitive area in the Presidency) and the population more assimilated to the ordinary 'plains' population. For the reasons stated in respect of the Agency portion of the Ganjam district the Madras Government consider that the Agency portion of the Vizagapatam district should be classified as a 'partially excluded area'.

In this connection, I am to point out that the whole of the Ganjam Agency and the greater part of the Vizagapatam Agency will be transferred to the new Orissa Province. A copy of this letter has accordingly been sent to the Government of Bihar and Orissa.

(iii) *East Godavari district.*—Under the present constitution the East Godavari Agency, consisting of the Taluks of Bhadrachalam, Chodavaram, Nugur, Polavaram and Yellavaram, has been declared to be a "backward tract". In comparison with the Ganjam and Vizagapatam agencies it is more civilised and contains a large proportion of plainsmen (especially in the neighbourhood of the Godavari river) as shown below:—

	Aboriginal and backward communities.	Other Classes.
Yellavaram Taluk	33,781	10,485
Rampa-Chodavaram Taluk	19,458	12,970
Polavaram Taluk, Bhadrachalam Taluk and Nugur Taluk	93,620	70,215
	146,859	93,670

The Madras Government recommend that the whole of the East Godavari Agency, except the 25 villages of the Polavaram Taluk mentioned in the annexure, may be treated as a 'partially excluded area'. These twenty-five villages are entirely similar in character to the adjoining areas of the plains and contain no aboriginal tribes or specially backward communities. Their separation from the Agency has for long been under the consideration of this Government independently of the present question.

In the Prathipadu Sub-Taluk of this district adjoining the agency tracts, there are certain villages which are inhabited by backward people who in race and civilization are not materially different from

the inhabitants of the Agency. These villages however have always been subject to the ordinary Laws and to the ordinary system of administration. In view of this and of the smallness of the area concerned, the Madras Government consider it unnecessary to make an innovation by recommending the classification of these villages as a partially excluded area.

(iv) *Guntur district.*—There are about 2,454 Chenchus in the district. These Chenchus are a backward tribe, but their number is small and they live scattered about in the district which has a population of 2,035,660. In the circumstances the Madras Government are of the opinion that there is no case for total or partial exclusion of any area in this district.

(v) *Kurnool district.*—The Chenchus of this district, who are more backward than the Chenchus of Guntur, number 4,244 and live mainly in a distinct area known as the Nallamalai Hills. They enjoy certain special privileges and on account of their backward character and criminal propensities receive a certain amount of special consideration. But their number is so small and the area they inhabit so limited that the Madras Government do not consider it necessary or advisable to create an isolated enclave for their benefit by constituting the area a 'partially excluded area'.

(vi) *Anantapur district.*—The Lambadies and the Yerukalas are the only tribes who can be regarded as backward. They are not confined to any particular area, but live scattered over the whole district in small groups attached to certain villages. Considering that these backward people (who form only 1·7 per cent. of the population) are distributed in the whole district (which has a population of 1,050,411) the Madras Government are of the opinion that there is no case for excluding or partially excluding any area in this district.

(vii) *North Arcot district.*—The only area for consideration in this district is the Javadi Hills inhabited mainly by 'Malayalis', a generic term meaning "Hill-men". Though at one time these people might have been considered very backward they have advanced considerably in civilization in recent years and mix freely with the inhabitants of the adjoining plains areas. Their interests are specially looked after by the officers of the Revenue and Forest Departments. The Collector has reported that no special protection is needed for them and that there is no need to classify any portion of the district as an excluded or partially excluded area. The Madras Government agree with the Collector.

(viii) *Trichinopoly district.*—The only area in the district which contains an aboriginal population is the Pachchamalai Hills, where 4 241 'Malayalis' live in the three villages of Vannadu, Kombai and Tumberanadu. The Pachchamalai Hills extend into Salem district and the same considerations apply.

(ix) *Salem district.*—The Collector has submitted detailed reports in respect of five areas namely, the Shevaroys, Kollimalais including Bodamalais, Kalrayan Hills, Pachchamalai Hills and Sitteri, which were suggested for partial exclusion in the Secretary of State's telegram No. 1103, dated the 5th April 1935. These Hills, except the

Shevaroys, are almost wholly inhabited by 'Malayalis' as shown below:—

Names of the Hills.	Total population according to the Census of 1931.	Malayalis.	Others.
(1)	(2)	(3)	(4)
Shevaroys	16,905	11,170	5,735
Kollimalais including Bodamalais . .	26,067	25,358	709
Kalrayan Hills	9,207	9,194	13
Pachchamalais	2,624	2,622	2
Sitteri	3,204	3,203	1

These people speak Tamil and live mostly by agriculture. Their ways of living are approximately the same as those of the poorer classes in the plains. Their economic condition is somewhat better than that of Scheduled castes in the plains, though in education they are more backward. There is an appreciable number of voters among the Malayalis as a result of their holding lands. The Malayalis in the Shevaroys are, as a result, partly of the presence of a large number of Europeans and Anglo-Indians and partly as a result of their work in the coffee estates, fairly well advanced and not particularly liable to exploitation. The areas are not contiguous and consequently cannot be formed into a compact 'partially excluded' area. The present Collector of Salem considers that the inhabitants do not require special protection; but a former Collector takes a different view except in regard to the Shevaroys area. The Government of Madras consider that the administrative inconveniences of constituting five separate areas into 'partially excluded' areas are such that the proposal is *prima facie* unsuitable; but if it is decided to proceed with the matter, it would be as well to include the small areas of Trichinopoly and South Arcot into which the Pachchamalais and Kalrayan ranges respectively extend.

(x) *Coimbatore District.*—The total aboriginal population of the district is 9,164 as shown below:—

Kadan	156
Kaniyan	1,411
Malasar	4,719
Sholagar	2,878
	9,164

of this 6,256 are in the Pollachi Taluk and 2,800 in the Satyamangalam Hills of the Gobichettipalayam Taluk. The aborigines live scattered in small units in the forests of the district. The Kollegal Taluk which was referred to in the Secretary of State's telegram No. 1103, dated 5th April 1935, does not appear to contain any appreciable number of aboriginal or very backward people. The 6,256 aborigines of the Pollachi Taluk are all found in the Anamalai Hills and for the

most part are employed as labourers on the estates. The total population of the Anamalai Hills is about 34,000. About 2,800 Sholagars live in the Satyamangalam Hills the total population of which is about 24,000. It will thus be seen that the aborigines in those areas form only a small minority. The Madras Government therefore recommend that there is no case for treating any area in this district as wholly or partially excluded.

(xi) *The Nilgiris District.*—The primitive tribes of this district and their population according to the Census Tables are:—

Tribes.	Population.
1. Badagas	43,075
2. Todas	597
3. Kotas	1,121
4. Irulas	The numbers are not shown separately in the Census Tables. But they are not very numerous.
5. Kasabas	
6. Kurubas	
7. Paniyas	

The total population of the district is 169,330. The Collector reports that though the Badagas are still somewhat insular in their habits they are in no way of a racial standard below that of the general population. He considers their capacity as potential electors to be quite up to the average. The Collector further states that these tribes are scattered over the district among the ordinary population and it is not therefore possible to exclude or partially exclude any particular area in the district. The district as a whole cannot be described as a backward area. There are numerous estates which employ considerable labour. The district also contains a comparatively large population of Europeans and Anglo-Indians and within its limits is included Ootacamund the summer capital of the Madras Government. This Government consider that, in the circumstances, no area in this district need be treated as excluded or partially excluded.

(xii) *Malabar district.*—There is no area in the district where there is a preponderance of aborigines or very backward people. A certain number of jungle tribes live on the slopes of the hills; but they are very few in number in comparison with the rest of the population. The Collector reports that their case does not call for any special treatment.

Special mention may in this connection be made of the Wynaad Taluk. From the Census Tables it is seen that the following primitive tribes are found in the Taluk:—

Kadan	66
Kuttinayakan	1,469
Kurichchan	4,954
Kuruman	9,817
Total	16,306

The total population of the Wynaad is 91,739 and the aboriginal population is only a small proportion of it. There are a number of estates

in the Wynaad which give employment to many of these primitive people. Owing to the large influx of people from the plains, the Wynaad has now practically lost its former wild character. Considering that the large majority of the population of the taluk consists of the more advanced classes it is not advisable to treat the Wynaad as excluded or partially excluded. The Madras Government therefore consider that no area in Malabar district need be classified as 'excluded' or 'partially excluded'.

(xiii) *Laccadive (including Minicoy) and Amindivi Islands.*—These islands lie off the coast of the Malabar and South Kanara districts and are inhabited by very primitive and backward people. The total area of the islands is about 10 square miles and they have a population of 16,040. The islands are at present administered under the Scheduled Districts Act and a Regulation of 1912. The Collector reports that the islands should continue to be administered in the same manner under the new constitution. These islands are inaccessible during the greater part of the year and are visited by Government officials once in two years in a steamer chartered specially for the purpose. On account of their inaccessibility and the impossibility of fitting them into any electoral arrangements and having regard also to the backward state of the inhabitants, the Madras Government recommend that the Laccadive (including Minicoy) and Amindivi Islands may be classified as 'excluded' areas.

In this connection I am to invite a reference to this Government's letter No. 10122-1 Public (Reforms), dated the 27th April 1395 and to say that the description "Laccadive Islands, including Minicoy" has been the subject of correspondence. There is the danger of it being taken to mean only the islands attached to the Malabar district, namely, Laccadives including Minicoy and not the Amindivi Islands which are administratively attached to the South Kanara district A more explicit description of the islands, namely, "The Laccadive (including Minicoy) and Amindivi Islands" should be used in the Order in Council.

4. It will be seen from the foregoing paragraph that though a considerable number of aboriginal or backward people are to be found in certain areas in Salem and North Arcot districts and to a smaller extent in Kurnool, no area in these districts is recommended for exclusion or partial exclusion. The people in these areas have always been subject to the ordinary laws and the ordinary system of administration and the Scheduled Districts Act has never been applied to them. The innovation of declaring any or all the areas in question to be excluded or partially excluded areas cannot but be construed as an implication of distrust of the honesty or capacity of Ministers under the new constitution and will be resented. Such an affront to Indian public opinion should not in the opinion of this Government, be risked unless it can be shown that there is a definite danger that the position of primitive tribes or backward communities will be worsened under the new constitution. The two directions in which primitive tribes stand to suffer are exploitation or neglect. It is difficult to imagine how any Ministry could evolve a policy of exploitation even if they had a wish to do so. As for neglect, it is, of course,

possible that a Ministry short of funds might be tempted to cut short the allotments for education, water supply, medical relief and other amenities in backward areas. But the sums so saved, considering the very limited possibilities of useful expenditure in such areas, would be negligible. The danger of deliberate exploitation or deliberate neglect is, therefore, in the opinion of the Madras Government so improbable as not to require further examination.

5. There remains the problem of administration which, from the point of view of the primitive tribes, is the thing that really matters. To them the abstract conception of 'Government' means nothing. It is to the embodiment of Government, the District Officer, that they look for protection and the real point for consideration is whether the change in the form of the Government will so affect the local administration of districts as to worsen the position of those who need protection. There is no reason to suppose that District Officers of any department will be less solicitous for the welfare of primitive tribes or less sympathetic to their needs in future than they are at present. To the Madras Government it appears inconceivable that any future Government should wish to interfere in the details of district administration to the detriment of backward communities. In any event the Governor will have a special responsibility for the protecton of these people and could interfere in their behalf, if interference were necessary, a very remote contingency. By rules of business the Governor can ensure that any proposal affecting the welfare of primitive tribes or backward communities will be brought to his notice and presumably it would be open to him to call for such periodical reports on their condition as he might consider necessary.

6. In paragraph 4 of the India Office Letter No. P. & J. (C) 5420, dated the 7th June 1935, it was suggested that a selected officer might with advantage be appointed as adviser to the Governor in provinces, where the areas proposed to be classified as partially excluded are sufficiently extensive to justify such an appointment, with the special duty of keeping the Government and the Governor fully informed of the needs of such areas. The areas proposed to be classed as partially excluded in this Presidency consist mainly of the agency tracts in the Ganjam, Vizagapatam and the East Godavari districts. Of these the whole of the Ganjam Agency and the greater part of Vizagapatam Agency will be transferred to the new Orissa Province. The partially excluded areas remaining in Madras will then be the East Godavari Agency and a small portion of the Vizagapatam Agency which are not sufficiently extensive to justify the appointment of a Special Officer to advise the Governor and the Government. The Collectors of the districts concerned will be required to keep the Governor informed of all matters requiring his attention in regard to the backward people in areas of which they, as the men on the spot, are the best judges. The Collectors of other districts will also inform the Governor and the Government of the needs of the aboriginal or backward people living in areas which it is found impossible to classify as excluded or partially excluded. Besides there is a Labour Commissioner in Madras who in addition to his other duties can receive special instructions to visit and report on the areas in question and generally to keep the Governor informed on matters affecting his

special responsibility for the protection of minorities. It would be possible to designate him Commissioner of Labour and of Backward areas, so as to emphasise the importance of his duties in this respect. If at any time the Governor had reason to suspect that any backward area or community was not receiving fair treatment, it would presumably be open to him to direct the Minister in charge to obtain a special report from the Labour Commissioner.

7. In short the constitution of the agency tracts of East Godavari and Vizagapatam as 'partially excluded areas' will ensure that the present special form of administration will continue and that the interests of primitive tribes are as well protected as they are at present. As regards the prmitive tribes and backward communities who inhabit the few special areas mentioned in the preceding paragraphs it is the opinion of the Madras Government that the Governor in the exercise of his special responsibility for safeguarding the legitimate interests of minorities can ensure that they are fairly treated and that he will have adequate channels of information in District Officers and the Commissioner of Labour to keep him informed of matters affecting their welfare. The administrative inconveniences of small scattered enclaves of backward areas are obvious, while the political objections to adopting what will be regarded as a retrograde form of administration merely from distrust of the new Government, are serious.

ANNEXURE.

List of villages in the Polavaram Taluk of the East Godavari Agency not to be included in the partially excluded areas referred to in paragraph 3 (iii) of the letter.

1. Ballipadu.		
2. Bayyanagudem	hamlets	1. Narasannagpalem. 2. Seethampeta.
3. Bayyavaram.		
4. Cherukumilli	hamlet	1. Jagannadhapuram.
5. Dippakayalapadu	hamlets	1. Billumilli. 2. Kitchappagudem. 3. Koyagudem *alias* Tangellagudem. 4. Surampudi.
6. Gangolu	hamlets	1. Gopavaram. 2. Hukumpeta. 3. Pedarajampalli. 4. Rampalem. 5. Yerravaram.
7. Gutala	hamlets	1. Kottapattisam. 2. Mahalakshmammapeta.
8. Jangareddigudem	hamlets	1. Markandeyapuram. 2. Parreddigudem. 3. Ramachendrapuram.

9. Karakapadu	hamlet	1. Butcheyyapalem.
10. Mangapathidevipeta.		
11. Matanagudem.		
12. Parimpudi	hamlets	1. Ankalagudem.
		2. Atchutapuram.
		3. Bodigudem.
		4. Burkittnagaram
		5. Koyyalagudem.
		6. Mallavolu.
		7. Repallivada.
		8. Sreerampatnam.
13. Peddipalli.		
14. Pochavaram.		
15. Ragolapalli (Gutala Zamindari).		
16. Ragolapalli (Pattisam Zamindari).		
17. Ramanujapuram.		
18. Saggonda.		
19. Saripalli	hamlets	1. Bhujangaraopeta.
		2. Bottappagudem.
		3. Dharmaraopeta.
		4. Marrigudem.
20. Tadipudi (Pattisampart).		
21. Tadipudi (Gutalapart).		
22. Taduvoyi	hamlets	1. Challavarigudem.
		2. Jonnavarigudem.
		3. Mangisettigudem.
23. Tupakulagudem.		
24. Vedantapuram.		
25. Venkatayapalem.		

LETTER FROM THE GOVERNMENT OF MADRAS, TO THE GOVERNMENT OF INDIA, No. 27982/35-1, DATED THE 7TH NOVEMBER 1935.

I am to forward herewith copies of the reports from the District Officers of the Ganjam, Vizagapatam, East Godavari, Guntur, Kurnool, Anantapur, North Arcot, South Arcot, Trichinopoly, Salem, Coimbatore, Nilgiris, Malabar and Madura districts and to offer the following remarks in respect of the report submitted by the Collector of Vizagapatam. The Collector recommended that certain backward areas in his district should be treated as excluded areas. It will appear from the reasons given by the Collector for his recommendation that he is under a misapprehension as to the future administration of excluded and partially excluded areas. The Collector seems to think that the special powers of the Governor in relation to partially excluded areas consist merely in applying acts to the areas and making regulations, while with regard to excluded areas the Governor will further exercise his executive functions "in his discretion". The consequence, according to the Collector, is that the partial exclusion of an area will not give sufficient protection to the communities which are without political influence and he therefore recommended that if an area needs protection it should be wholly and not partially excluded. The Collector has ignored the fact that under Section 52 (1) (*c*) of the Government of India Act, 1935, the Governor will have a special responsibility in relation to partially excluded areas. Though the Ministers will be in charge of the administration, the Governor in the discharge of his functions will act in his individual judgment, that is to say, he will not be bound to follow the advice of his Ministers. This, in the opinion of the Madras Government, will confer sufficient protection on communities requiring protection in the backward areas in the Vizagapatam District and they therefore considered it unnecessary to classify any area in that district as wholly excluded.

COPY OF LETTER FROM THE COLLECTOR AND AGENT TO THE GOVERNOR IN GANJAM, CHATRAPUR, R. DIS. No. 6536/35, DATED 30TH AUGUST 1935.

I consider that the whole of the Ganjam Agency should be classified as a partially excluded area. This is certainly not the time to consider the question of bringing any part of the agency under normal administration. The Ganjam agency is very backward and contains a high percentage of aborigines and a large percentage of semi-aborigines—mainly Panos—a depressed class tribe.

2. The special measures which have already been taken to safeguard the interests of the aborigines will, I consider, be adequate under the new constitution, and should be retained *in toto*. The most important safeguards are:—

(1) The special provisions contained in Section 3 of the Scheduled Districts Act, 1874, empowering the Local Government with the previous sanction of the Governor-General in Council.

(i) To declare what enactments should be in force in the area or any part of it.

(ii) To declare of any enactment that it is not actually in force.

(2) G. O. No. Mis. 55-Public Department, dated 20th January 1928, according to which an order issued under the authority of the Governor acting with his ministers shall not apply to the agency or any portion of it unless and until an order to that effect is passed by the Governor in Council in the Revenue Department.

(3) The proclamation of 1845.

(4) The various rules providing for the millmen's privileges in the forest and in regard to distillation of liquor.

(5) The Agency Interest and Land Transfer Act.

(6) Provision of a number of Government Elementary Schools.

(7) Provision of communications at Government expenses, subject to the hillmen doing vetti labour on the less important roads for a small remuneration.

(8) Provision of agency rules simplifying Civil Procedure for the benefit of the hillmen.

(9) Simple loan rules for the benefit of hillmen, penal-interest not being charged.

The reasons why I consider that the Ganjam Agency should still be accorded this special treatment are:—

(i) By the proclamation of 1845 the hillmen were promised special protection.

(ii) The aborigines are still so simple and so easily duped that, without special protection, they fall an easy prey to Sowcar immigrants who gradually obtain possession of all the lands under settled cultivation and reduce the hillmen to the position of labourers and podu-cultivators (shifting cultivation in the forests).

(iii) The system of Government is necessarily still of the paternal order and can be satisfactorily administered only by Government officials on the spot in touch with local conditions and familiar with the hillmen, whose nature is volatile and who easily become excited.

It is to be hoped that it will not be necessary to treat the agency as a partially excluded area for all time to come. As communications improve and education spreads the hillmen, it is hoped, will gradually attain to the same level as the plainsmen in respect of ability to protect their own interests. This time, is, however, still far distant.

3. I will now answer the questions in paragraph 3 of the Government's memorandum.

(1 & 2) Figures are given in a statement attached.

(3) The answer is given above.

(4) No administrative inconvenience will ensure the present arrangements will continue unaltered.

4. There is only one other area where there are an appreciable number of aborigines, this is in the north and north-west of the Ghumsur Taluk. The Kondhs there are, generally more advanced than those in the agency, and are, on the whole, able to hold their own. I consider that as heretofore, no special treatment need be accorded to this area.

Name of the area.	Whether wholly or partly excluded area.	Area in square miles.	Population according to the census of 1931.	The population of aborigines and other backward communities in such areas.			The No. of other inhabitants in such areas.	Whether the aborigines and other backward inhabitants require any and if so what special protection with full reasons for the same.	Whether any administrative inconvenience will be caused by the partial or complete exclusion of such areas.
				Aborigines.	Backward communities.	Total.			
1	2	3	4	5	6	7	8	9	10
1. Parlakimedi Maliahs.	Partly excluded	355	69,681	49,169	4,425	53,594	16,087	Please see separate report.	
2. Pondakhole Maliahs.	Partly excluded	102	2,837	*1,200	*500	*1,700	*1,137	..	..
Sarada Agency.									
3. Ramagiri Udayagiri.	Partly excluded	953	91,577	38,224	13,924	52,148	39,429	..	..
4. Balliguda .	Partly excluded	1,669	108,955	46,546	23,251	[69,797	39,158	..	..
5. G. Udayagiri .	Partly excluded	504	[85,188	35,960	21,339	[57,299	27,889	..	..

*The figures are approximate.

COPY OF LETTER FROM THE COLLECTOR OF VIZAGAPATAM, TO THE SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC (REFORMS) DEPARTMENT, R. C. No. 4417/35-B. I., DATED THE 4TH SEPTEMBER 1935.

I regret that, as I have been ill and on leave and the issues involved are complicated, it has not been possible to complete the enquiries by the date which Government have fixed. I submit now such information as I can, and will complete the enquiries as quickly as I am able.

2. I understand from section 92 of the Government of India Bill that the special powers of a Governor in relation to partially excluded areas are those of applying acts to the areas and making regulations. With regard to excluded areas, the Governor will further exercise his executive functions "in his discretion". Thus for partially excluded areas the executive authority will be the Ministers and for excluded areas the Governor exercising his functions in his discretion. The consequence is that the partial exclusion of an area will not give sufficient protection to communities which are without political influence. And, as they are far more affected by the way in which administration is controlled by the executive authority than by legislation, it is important that administration should be in the hands of an authority which will attend to their interests. I do not think it likely that Ministers will do this. These areas would be competing with other and influential areas for expenditure, officers and all the amenities which Government provide. I think that there is little doubt that their claims will be sacrificed to those of more influential areas; it is a familiar fact that this happens at present in the case of local Boards and Municipalities. I submit, therefore, that if an area needs protection, it should be wholly and not partially excluded.

3. As a rough guide to the communities which need protection in this district the list of the Hill Tribes published under the Agency Land Transfer Act may be adapted. It has already been found that these persons need protection against people of the Plains, and they will hereafter need protection against persons with political influence. The list of aborigines which is given in the census, seems to be based upon a ethnological criteria which have little relevance in this connection. As, however, the census does not give the figures for the communities mentioned in the notification, I am unable to give their number. It is only possible to make recommendations which will include the areas which local knowledge shows to be in need of protection.

4. The question is complicated by the creation of the new Orissa Province, by the fact that its boundary will not follow throughout the boundary between the Plains and the existing Agency, and by the fact that it is not yet certain where the boundary will be. So far as the area which is to be transferred to Orissa from this district, I suggest that the whole of it should be excluded; as Government are aware, it is within the Agency and has always been treated as requiring special protection. Of the area which remains in the Madras Presidency I suggest that the Gudem Taluk, remains in the

Padwa Taluk, the Agency portions of the Golugonda, Veeravilli, Srungavarapukota, Gunupur and Palakonda Taluks should be excluded. I have received also proposals that small areas which are now outside the Agency should be added to the area which will be excluded; I will give particulars of these areas as soon as I can. There will also be small portions of the existing Agency, chiefly in the Parvatipur Division, which will not go to Orissa, as the Orissa boundary is to follow the boundary of the Jeypore Estate and not of the Agency; how far these will form reasonably compact areas which can be specially treated will have to be considered and I will report upon this as soon as possible.

COPY OF LETTER FROM THE COLLECTOR OF VIZAGAPATAM, TO THE SECRETARY TO THE GOVERNMENT OF MADRAS, PUBLIC (REFORMS) DEPARTMENT, D. DIS. NO. 4417/35-B. I., DATED THE 6TH OCTOBER 1935.

I submit my further report. I have had difficulties, because the boundary between Madras and the New Orissa passes through areas occupied by backward tribes and it was necessary to see that places proposed for exclusion in each province formed manageable areas; moreover, the boundaries of the New Province and of the existing Agency are not clearly known and there are few useful maps.

I invite attention to my letter, R. C.-4417-35, of 4th September 1935. I would strongly urge that partial exclusion, which gives protection in relation to Acts and Regulations, is not enough. What these people require even more is protection against Ministers, who will be squeezed by every local interest. There is otherwise no prospect of their being able to get their due share of the amenities provided by Government, nor of their special interests being considered. These people have generally no conception of agitation, intrigue, political pressure, etc., as applied to the Government. They do not hope for much from Government and make no demands. The Ministers will have no political inducement whatever to withhold benefits from advanced areas in order to provide them here, and they are not likely to do this.

The areas which I have proposed for exclusion can form reasonably compact. I enclose a rough sketch of the most doubtful case. The sketch* is very rough inaccurate.

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* Not printed.

Statement showing the Areas in the Vizagapatam District which are proposed for Exclusion, and which are not proposed for Exclusion, and their Particulars.

No.	Description of the Area proposed or not proposed for exclusion.	Population where the figures are available.		Whether the Backward Tribes require any, and if so what special protection with reasons.	Whether any administrative inconvenience will be caused by the exclusion.
		Backward tribes.	Other individuals.		
1	2	3	4	5	6
	I. VIZAGAPATAM AGENCY.				
	(a) Portions to be transferred to New Orissa.				
1	The whole area of Vizagapatam, which will be included in Orissa, *viz.*, Koraput, Jeypore, Nowrangapur, Malkanagiri, Pottanghi, Rayaghada and Bissemcuttack Taluks, and *portions* of the taluks of Gunupur, Padwa, Parvatipur and Salur.	Population consists almost entirely of backward tribes.		Area should be excluded. See my letters.	No.
	(b) (i) Portions to be retained in Madras.				
2	Narasapatam Division, Gudem Taluk	Population consists almost entirely of backward tribes.		Area should be excluded. See my letters.	No.
3	Do., Viravilli Taluk . . .	Backward Tribes predominate.		Do. . .	No.
4	Koraput Division, Padwa Taluk .	As in Item No. 1 .		Do. . .	No.
5	Vizagapatam Division, Srungavarapukot Taluk.	As in Item No. 3 .		Do. . .	No.
6	Parvatipur Division, Parvatipur Taluk Agency.				
7	Do. Salur Taluk Agency . .	Do. . .		Do. . .	No.
8	Do. Gunupur Taluk . . .				
9	Vizianagram Division, Palakonda Taluk Agency.	As in Item No. 1 .		Do. . .	No.
	(b) (ii) Areas not proposed for exclusion, though they are now in the Agency.				
10	Narasapatam Division. Golugonda Taluk Lower Agency comprising 32 villages, *viz.*, Adakula, Amanthabhupalapatnam, Balaram, Buradapalli, Chammachinta, Chedikada, Dharmavaram, Gantavarikothagudem, Golugondapeta, Gummudugonda, Gurupudi, Kalavavoddusrabhavaram, Kantaram, Kittalova, Kodavatipudi, Agraharam, Kommika, Kondagokira, Konkasingi, Kottagudem, Krishnadevipeta, Krishnapuram Agraharam, Kumarapuram, Lakshmipuram (Agency), Padi, Pedajaggampeta, Pattinagandhorapalem, Ramachandraraju Agraharam, Serabhupalapatam, Serabhupati Agraharam, Vakasarajupadu, Vedurupalli, Sarugudu.	.....		Backward tribes scarce.	No.

No.	Description of the Area proposed, or not proposed for exclusion.	Population where the figures are available.		Where the Backward Tribes require any, and if so what special protection with reasons.	Whether any administrative inconvenience will be caused by the exclusion.
		Backward tribes.	Other individuals.		
1	2	3	4	5	6
	II. VIZAGAPATAM PLAINS.				
11	Narasapatam Division. Viravalli Taluk. 64 villages in the Plains bordering on the Agency Chinasompuram, Gorupalem, Mukundapuram, Sammida, Virabhadrapeta, Chuttubadava, Tamarabba, Valabu, Butchempalem, Alligaruvu, Kodapalli, Nagarampadu, Boddagunmi, Tummalapalem, Shikaibava, Kottavalabu, Konam, Vakapalli, Panasageddu, Malligedda, Gantigaruvu, Cherukupalli, Godugumamidi, Gunti, Rellalapadu, Jajulapalem, Gudivada, Kottavuru, Virabhadrapeta, Medacherlam, Kondempudi, Jalampalli, Goravanipalem, Korramamidipalem, Goppuru, Kumandanipeta, Siripuram, Degalapalem, Lonakottapalli, Komakutam, Lovakrishnapuram, Pittageda, Acuruvada, Tiruvada, Pedagorrigedda, Chinagorrigedda, Sitakandi, Tummalapalem, Sangyam, Pedasarada, Kagita, Taiparti, Garikibanda, Vantalamanubadava, Sankaram, Ramachendraapuram, Boddarevu, Maddulabanda, Mamidipalem, Goppuru, Rajupalem, Bibbapalem, Kistnampalem, Velagalapadu.	As in Item No. 1 .		Area should be excluded. See my letters.	No.

COPY OF LETTER FROM THE GOVERNMENT AGENT, EAST GODAVARI, TO THE SECRETARY, GOVERNMENT OF MADRAS, No. R. DIS.-2123/35, DATED 17TH SEPTEMBER 1935.

I have the honour to report that the undermentioned areas of this District should be classified as partially excluded areas and the population of aborigines and other backward communities and the number of other inhabitants in such areas are noted against each Taluk.

——	Aboriginal and backward communities.	Other classes.
Yeilavaram Taluk	33,781	10,485
Rampa-Chodavaram Taluk	19,458	12,970
Bhadrachelam Revenue Division, *i.e.*—		
Polavaram Taluk	93,620	70,215
Bhadrachelam Taluk		
Nugur Taluk		
Total .	1,46,859	93,670

2. As regards the statistics of population, it is submitted that the figures of the census of 1931 do not furnish accurate numbers because most of the hillmen appear to have been included among other communities whilst the depressed classes who were shown separately seem to have been under-estimated. The figures given in census tables are definitely incorrect. There is no time now to take up a correct census of all the villages in all the Taluks. Hence approximate figures had to be worked out with reference to the local knowledge of the predominating classes of inhabitants in different Taluks and these figures are now furnished above. The Assistant Agent, Peddapur, has furnished the fiures shown against Yellavaram Taluk..

3. Rampa-Chodavaram Taluk is mostly a tribal and mutta area, except a few villages lying in the neighbourhood of Rajahmundry Taluk and along the bank of the Godavari river such as Purshottapatnam, Devipatnam and Mantur, etc. It would be reasonable to assess the number of hill tribes (hillmen) and the members of the depressed communities at 3/5 of the entire population and the other communities at 2/5 in Chodavaram Taluk.

4. Polavaram and Bhadrachelam Taluks are inhabited equally by hillmen and non-hillmen; while Nugur Taluk is predominantly inhabited by hillmen who may be reckoned at 2/3 of the population. Hence the hillmen in the whole Bhadrachelam division may be reckoned at 4/7 of the whole population and the non-hillmen at 3/7.

5. I have already agreed to the transfer of 25 villages (list enclosed) from Polavaram Taluk to West Godavari in my letter No. D. Dis. No. 3362/35, dated 7th July 1935, to Government as they are mostly inhabited by advanced classes of non-hillmen, who do not require any special protection and who are competent enough to take the normal consequences of popular Government. I have also opposed the transfer of 139 villages from Yellavaram Taluk to plains for the reasons mentioned in my letter No. 4945/35, dated 5th September 1935.

6. In my opinion and in the opinion of the Assistant Agents, Paddapur, Rajahmundry and Bhadrachelam the whole of the East Godavari Agency excluding the 25 villages proposed for transfer from Polavaram Taluk to West Godavari District should be included in the 'partially excluded area' as the inhabitants in this area are not yet fit to be subject to the normal consequences of popular Government conferred by the Government of India Act of 1935.

7. The Abkari and the Forest privileges at present enjoyed by the hillmen should be safeguarded in the new constitution. My experience is that hillmen are just the same as they always have been and that any curtailment of these privileges will lead to discontent and trouble.

8. The hillmen have not grown more prudent since the passing of the Act 1 of 1917 (Agency Tracts Interest and Land Transfer Act of 1917) and they still require the protection given under the Act even under the new constitution.

9. The Agent may also be invested with powers like those under the Ganjam Vizagapatam Act of 1839 to extern undesirable persons

from the Agency in the interests of peace and good Government of the Area.

10. I also consider that the term 'Government Agent' may be changed to 'Agent to the Governor' who has a special responsibility in respect of the 'Partially excluded area' in the new constitution.

11. It is particularly requested that during the transition period and afterwards no large sudden alterations may be made in the laws and rules governing the Agency. Agency people are a very conservative folk and sudden changes even made with the best of intentions may be resented. No administrative inconvenience will be caused by the partial exclusion of the area even under the new constitution.

List of 25 villages proposed for transfer from Polavaram Talak to plains.

1. Ballipadu.		
2. Bayyanagudem	Hamlets	1. Narasannapalem. 2. Seethampeta.
3. Bayyavaram.		
4. Cherukumilli	Hamlet	1. Jagannadapuram.
5. Dippakayalapadu . . .	Hamlets	1. Billumilli. 2. Kitchappagudem. 3. Koyagudem *alias* Tangellagudem. 4. Surampudi.
6. Gangolu	Hamlets	1. Gopavaram. 2. Hukumpeta. 3. Pedarajampalli. 4. Rampalem. 5. Yerravaram.
7. Gutala	Hamlets	1. Kottapattisam. 2. Mahalakshmammapeta.
8. Jangareddigudem . . .	Hamlets	1. Markandeyapuram. 2. Parreddigudem. 3. Ramacheddrapuram. 4. Seetharamakhandrika.
9. Karakapadu	Hamlet	Butcheyyapalem.
10. Mangapathidevipeta.		
11. Matanagudem.		
12. Parimpudi	Hamlets	1. Anka1agudem. 2. Atchutapuram. 3. Bodigudem. 4. Burkittnagaram. 5. Koyyalagudem. 6. Mallavolu. 7. Repallivada. 8. Sreerampatnam.
13. Peddipalli.		
14. Pochavaram.		
15. Ragolapalli (Gutala Zamindari).		
16. Ragolapalli (Pattisam Zamindari).		

17. Ramanujapuram.		
18. Saggonda.		
19. Saripalli	Hamlets	1. Bhujangaraopeta. 2. Bottappagudem. 3. Dharmaraopeta. 4. Marrigudem.
20. Tadipudi (Pattisampart).		
21. Tadipudi (Gutalapart).		
22. Taduvoyi	Hamlets	1. Challavarigudem. 2. Jonnavarigudem. 3. Mangisettigudem.
23. Tupakulagudem.		
24. Vedantapuram.		
25. Venkatayapalem.		

COPY OF LETTER FROM THE COLLECTOR, GUNTUR, No. R. C.-35/CONFDL./35, DATED THE 4TH AUGUST 1935.

There is no case for classifying any area in this District as Excluded or partially excluded.

COPY OF LETTER FROM THE COLLECTOR, GUNTUR, No. REF.-A.-6-42/CONFDL./35, DATED THE 21ST AUGUST 1935.

There is no case to modify what I already reported in my letter L. Dis. No. 35/35/Confdl., dated 4th August 1935.

COPY OF LETTER FROM THE COLLECTOR, KURNOOL, No. 51/CONFDL./35, DATED 28TH AUGUST 1935.

There is one tribe of aborigines by name Chenchus in this District. They are, almost all of them in the Nallamalai forest of this district. They form the main population of the Forests. The total population of the Chenchus is accordingly to the census of 1931, 2,344 males and 1,900 females.

These aborigines now enjoy some concessions in accordance with the terms of Settlement. The rights then admitted are printed at pages 463 and 464 of the Madras Forest Manual. They are exempt from the operation of certain provisions of the Forest law, though within their gudems and subject to control by Government. They also claim to possess certain number of guns with special licences granted free of fees in Form XVIII as a special case. They are also allowed to distil arrack from ippa flower for their domestic consumption and to that extent the abkari law is relaxed in their case. Even Criminal cases between Chenchus or where the Chenchu is an accused are not tried by the ordinary Courts having jurisdiction over the area but by the Assistant Chenchu Officer who is generally invested with first Class Powers. All these facts are in favour of their abode, the Nallamalais being treated as Partially Excluded areas. But the population of these people is perhaps too small to warrant the special treatment of the area nor does their number especially the number

that have the voting qualification justify the reservation of any seat for their representation in the Legislative Bodies. Nor do I think that the advanced classes will exploit Chenchu backwardness for their own ends. The Chenchus are too exclusive a race to be drawn into the political arena. For these reasons I do not recommend the treatment of Nallamalais as a Partially Excluded area and hope that the non-inclusion of this area under Partially Excluded areas will not affect the rights these Chenchus have now been enjoying. These rights are absolutely necessary for them for the present and their deprivation would hamper the reclamation of the easily inflammable Chenchu and may even lead to trouble. If non-inclusion of the Nallamalais under Partially Excluded areas means the deprivation of these rights of the Chenchus, I would strongly recommend that the area be included under Partially excluded areas. There will be absolutely no administrative inconvenience caused by the partial exclusion of this area.

COPY OF LETTER FROM THE COLLECTOR OF ANANTAPUR, No. 33/35, DATED THE 29TH AUGUST 1935.

In this district the 'lambadies' and the Yerukalas are the only two tribes who can be classed as backward. They are not confined to any particular area, but scattered over the whole district, living in small groups attached to some village or other. They do not mingle with other communities in their social functions. They are in so close contact with other communities that they do not feel themselves alien in their midst. They are less civilised than the others and their propensities are more tribal than civic, but their continued contact with other improved communities is sure to bring them on a par with the rest as civilised classes for purposes of political and administrative treatment. These classes of people, distributed as they are over the whole district and forming an insignificant minority (1·7 per cent.) of the total population, do not admit of exclusion either complete or partial, from an administrative point of view.

2. I do not therefore recommend any area in this district to be included in the category of 'Excluded' or 'partially Excluded' areas referred to in the Government of India Bill.

COPY OF LETTER FROM S. RANGANATHAN, ESQ., O.B.E., I.C.S., COLLECTOR OF NORTH ARCOT, No. R. O. C. 8-CONFDL. OF 35, DATED 16TH AUGUST 1935, TO THE SECRETARY TO GOVERNMENT OF MADRAS.

In no part of the district is there an appreciable population of aboriginal tribes or very backward people to warrant on their behalf special legislation.

The only class of people who can be thought of in this connection are the Malayalees or the Javadees. These number about 24,500 and are scattered in 45 villages in Tiruppattur, Ghengam, Polur and Vellore Taluks. Though at one time these people might have been considered very backward, they cannot be treated as such now. They freely mix with the men on the plains. Their interests are looked after by the officers of the Revenue and the Forest Departments. No special protection is needed for them.

In the circumstances I consider that there is no need to classify any portion of the district as Excluded or Partially Excluded area.

COPY OF LETTER FROM C. H. MASTERMNAN, ESQ., I.C.S., COLLECTOR OF SOUTH ARCOT, CUDDALORE, No. D. DIS.-50 CONFDL.-35, DATED THE 28TH AUGUST 1935, TO SECRETARY TO GOVERNMENT OF MADRAS.

There is no need to classify any area in this district as "Excluded" or "Partially Excluded", as there are neither aborigines nor very backward people in any part of the District.

FROM THE COLLECTOR OF TRICHINOPOLY, L. DIS. No. 51/35-(CONFDL.), DATED 26TH AUGUST 1935.

The only area in this district which contains aborigines is the hill tract of the "Pachchaimalais". The villages of Vannadu, Kombai and Temberanadu lie in this area, which forms part of the Musiri Taluk. The only inhabitants of these villages are known as the 'Malayalis' who live by cultivation and are mostly illiterate. According to the Census of 1931 the total number of 'Malayalis' in the three villages is 4,241. Their number is small. They require little, if any, special protection. Partial or complete exclusion of this area will certainly cause administrative inconvenience. I see no adequate grounds for classifying the area under either of the two categories.

2. The information called for in the last para. of the Government Memo., dated 29th July 1935, is furnished below in respect of the above area.

(1) The population of the 'Malayalis' is 4,241. No other communities live in the area.

(2) Nil.

(3) No special protection is necessary.

(4) Yes.

COPY OF LETTER FROM THE DISTRICT MAGISTRATE, SALEM, ROC. No. 87/35, DATED 3RD AUGUST 1935.

No area in Salem District need be so excluded or partly excluded.

COPY OF LETTER FROM THE COLLECTOR AND DISTRICT MAGISTRATE, SALEM, ROC., No. 87-35, DATED THE 30TH AUGUST 1935.

In my Roc. No. 87-35, dated 3rd August 1935, I reported that no area in Salem District need be excluded or partially excluded under the Government of India Act.

2. Of the areas mentioned in Government memorandum No. 192/0-4, dated 8th August 1935, Shevaroys are in the Yercaud taluk and Kalrayan hills and Pachmalais is in Attur Taluk of Salem Division. Sitteri is in Harur taluk of Dharmapuri Division. Kollimalais are in Namakkal Division. I have obtained detailed reports from the Divisional Officers of Salem (enclosure II), Dharmapuri (enclosure III), and Namakkal (enclosure IV), and I enclose copies of them so as to give full information to Government on the points under consideration. I also enclose the reports of the Sub-Collector Hosur (enclosure V) and Revenue Divisional Officer Sankari (enclosure VI) on their divisions. The number of Malayalis in Sankari Division is small and the number of Lambadies and Irula Pujaries in Sankari and Hosur Divisions is insignificant.

3. I enclose a statement (enclosure I) which gives the total population of the five hill areas referred to by the Government in the second reference quoted above (according to the Census of 1931) and the number of Malayalis and of other inhabitants in the area. The position of Malayalis should not be considered to be on a par with that of Lambadies and Irula Pujaries. The term 'Malayali' means people living in or at the foot of hills. They speak Tamil in Salem. They live mostly by agriculture. Their ways of living are approximately the same as those of the poorer classes in the plains. The reports of all the Divisional Officers show that their economic position is better than that of Adi Dravidas in the plains, while in education they are more backward. There is an appreciable number of voters among the Malayalis as a result of their holding land. The number of Malayalis in the District is very small compared with the total population of the District. Their areas are scattered. There is no area in the District to which the Scheduled Districts Act is applied. In the circumstances and in the light of the detailed reports of the Divisional Officers, I consider that the Malayalis in Salem District cannot be considered to be aborigines or very backward people and that no special protection is required by them and that the partial (or complete) exclusion of their areas will certainly produce administrative inconvenience without a corresponding necessity for the same.

4. The number of Lambadies and Irula Pujaries who are aborigines is about 100 in Hosur Division and about 120 in Sankari Division They need no special consideration.

Enclosure I.

Name of the Hills.	Total population according to the Census of 1931.	Malayalis.	Others.
1	2	3	4
Shevaroys	16,905	11,170	5,735
Kollimalais including Bodamalais	26,067	25,358	709
Kalrayan Hills . . .	9,207	9,194	13
Pachamalais	2,624	2,622	2
Sitteri	3,204	3,203	1

Enclosure II.

REPORT OF THE REVENUE DIVISIONAL OFFICER, SALEM, NO. ROC. 7025/35-A., DATED THE 22ND AUGUST 1935.

I beg to submit the following report on the above reference so far particulars are available.

2. This division does not contain aborigines or very backward people. Malayalis living on Shevaroys, Pachamalais, Chinnakalrayans and Periakalrayans in Attur Taluk and Jarugumalais, Thumbalpatti, Konamaduvu, Pulidikuttai, Periyakuthimaduvu and Aranoothumalai in Salem Taluk cannot be classified among aborigines. Most of them live on agriculture which forms their main stay. Besides this they have made as their secondary avocation the work in forests as coolies. Economically they are very frugal and they are also well off as compared with the coolies living on agriculture on the plains. There is no material difference in the mode of living as compared with people of the same status in the plains. Their civilisation is none the worse than most of the backward communities in the adjoining plains. Their contact almost daily with the men in the plains has to some extent educated them and they are nowadays litigants also. Though modern education has not penetrated the hilly tracts, yet Malayalis as a class are intelligent people. Economically they are in a far better position than the Adi Dravidas but are less educated than the latter.

I submit therefore that it will not be in the interests of the Malayalis resident on the hills to be treated separately and administered altogether on a different footing. They cannot be treated either as excluded or partially excluded people and the areas populated by them excluded as such. The areas on which these Malayalis live are scattered and administrative difficulties are sure to arise if these areas are excluded or treated as partially excluded from the common form of administration. No special protection seems necessary for them and the past experience does not warrant such a treatment at all. Formation of political pockets to include the Malayalis will add to administrative difficulties.

COPY OF SALEM TAHSILDAR'S REPORT, ROC. 7016 (CONFDL.), DATED THE 21ST AUGUST 1935.

The people that live in Jarugumalai, Thumbalpatti, Konamaduvu, Pulidikuttai, Periakuttimaduvu and Aranoothumalai are called malai goundans. They own lands in addition to securing coolies in the forests. The population of each village and the number of probable voters in each village are furnished below. The information as to the number of voters in the village (Pulidikuttai) has been called for from the Revenue Inspector and it will be furnished separately. It will be seen from the above that though they are backward in other respects they are not to be regarded as excluded in respect of franchise as they form the sole population of these

villages and some of them have got the voting qualification. I therefore submit that there appears to be no necessity to bring them under excluded or partially excluded areas. Their economic condition and education is neither worse nor better than that of Adi Dravidas.

	Population.	*Voters.
Jarugumalai	228	13
Thumbalpatti	457	163
Konamaduvu	395	31
Pulidikuttai	198	..
Periakuttimaduvu	104	53
Aranoothumalai	285	60

COPY OF ATTUR TAHSILDAR'S L.-5951, DATED THE 20TH AUGUST 1935.

The Malayalis on the Pachamalais and the Kalrayan Hills cannot be said to be so backward as to require special treatment. In point of their mode of living, civilisation, etc., they are nearly equal to the people on the plains with whom they are in almost daily contact. What the representatives of the people in the Legislatures can do for the people on the plains, they can do equally to those on the hills. I think that the best interests of the Malayali can be served by the application to them of the legislation and the methods of administration that will be in force generally throughout the province.

It may not be right to term the Malayalis as aborigines. They live by agriculture. They are according to the Census of 1931—2,622 Hindus, 1 Muslim and one Christian on the Pachamalais. Of these 132 of whom 12 are literate, are entitled to vote. The Malayalis on the Kalrays are not entitled to have their names included in the voter's list. Please see Collector's R. O. C.-4625/35, dated 12th August 1935. On the Chinnakalrayan hills there are 4,838 people, all Hindus. Economically, the Malayalis are in a better position than the Adi Dravidas. The Adi Dravidas are, in point of education better than Malayalis. Formation of political pockets will lead to administrative difficulties and this is not worth while.

Enclosure III.

REPORT OF THE REVENUE DIVISIONAL OFFICER, DHARMAPURI, L.-5640/35, DATED THE 21ST AUGUST 1935.

There is no area in Dharmapuri Division which can be classified as 'Excluded' or 'partially excluded'. I doubted whether the inhabitants of the villages of Pikkili and Vattuvanahalli in Dharmapuri taluk and Sitteri, Sittilingi and Kottapatti in Harur taluk which are all hilly tracts could not be treated as very backward, if not aboriginal and referred the matter to the Tahsildars for report. Both of them have reported that there are no grounds to treat them as different from the inhabitants of the villages on the plains.

* Some of these figures may be incorrect but the point is not of importance as the villages are small.

S. V. R.,—31-8-35.

The Tahsildar of Dharmapuri has reported that the inhabitants of Pikkili and Vattuvanahalli are neither aboriginal nor backward and that in point of civilization they are on a par with those on the plains. They are reported to have relatives in the plains. Their condition in regard to economic condition, education, social customs, etc., is stated to be not worse than that of any Adi Dravida.

The inhabitants of Sitteri, Sittilingi and Kottapatti villages in Harur taluk are inhabited by hill tribes locally as 'Malayalis'. Particulars of population of the 'Malayalis' and the non-Malayalis inhabiting these villages are furnished below.

Name of village.	Malayalis.	Non-Malayalis.
Sitteri.	3,203	1
Sittilingi	1,862	156
Kottapatti	1,606	226

Though the social customs, manners, etc., of the Malayalis may be distinct from those of their brethern on the plains there are no grounds to treat them as backward or aboriginal. Their language is Tamil and not any aboriginal language of their own. The Tahsildar of Harur states that they cannot be said to be backward as they hold lands and are certainly better off than the Adi Dravidas. Their main occupation is agriculture though they, not infrequently, find work in the forest. Their economic position, education, etc., are stated to be better than those of Adi Dravidas. The number of voters in each of the three villages according to the list last prepared is furnished below.

Sitteri.	179
Kottapatti	205
Sittilingi	246

The Tahsildar of Harur has reported that these Malayalis are not so backward as to require any special protection. I agree with him. The exclusion of these villages which form an insignificant portion of my division and which are situated several miles apart from each other will certainly not conduce to administrative convenience.

There is no area in my division in which, as a result of the application of the Scheduled Districts Act, the local Government is at present exercising power to apply acts with modifications or to appoint officers under section 6 of that Act.

Enclosure IV.

REPORT OF THE REVENUE DIVISIONAL OFFICER, NAMAKKAL, No. L.-4489/35, DATED THE 23RD AUGUST 1935.

The Malayali Hill Tribes in this Division mostly reside on the Kolli Hills. There are fourteen villages up the hills inhabited by such people and about four villages situated at the foot and slopes of these Hills. A few Malayalis also live on the Bodamalais. Their

total population according to the Census of 1931 is 25,358* in all. The number of Non-Malayalis living with them on these hills is very small.

The Malayalis are generally primitive in their manners and dress. In point of education they are worse than Adi Dravidas: but economically they are better off as they are mostly agriculturists. They live by agriculture on work in Reserved forests which are extensive on these hills. Though for the betterment of their status, assignment of lands in the villages they occupy is solely restricted to them in other respects no hard and fast line of distinction can be drawn between them and other caste Hindus. Their abode is on the Hills, their wants are few and the physical features and other climatic conditions of the places they occupy are such that people of other communities cannot live in their midst and make them enjoy the amenities to which the men on the plains are accustomed to.

The Malayalis have no separate representations either in the local Boards or in the Local Legislature. They form part and parcel of the general constituency which represents mostly the caste Hindus. There are no special laws or regulations applicable to these hill Tribes. The total number of voters according to the provisional list is about 3,150. As they are mostly illiterate, it is doubtful whether they may have among them any one who can be considered to be sufficiently enlightened to represent their interests and advance their cause. Their number, the degree of civilization and the physical features of the areas they occupy are not such as to justify the formation of the area into a separate administrative unit for the purpose of the new Reforms. There are no special reasons to exclude or partially exclude this area. The status of these Malayalis Hill Tribes will remain the same whether they form part of the general constituency or special constituency. On the other hand to exclude them by special legislation is to lessen their chances of mingling with their more civilized fellow countrymen and coming up higher.

The Tahsildar, Namakkal and the Dy. Tahsildar, Rasipur, are not in favour of excluding or partially excluding any area of the Kolli Hills, nor are they in favour of special legislation and I agree with them.

Enclosure V.

HOSUR SUB-COLLECTOR'S REPORT, N.-4911/35, DATED THE 25TH AUGUST 1935.

The question, so far as this division is concerned, need be considered only with reference to the Anchetti firka and the villages bordering on it. This tract consists of villages on the forest clad slope where the plateau dips to the Cauvery. It is rather remote

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*Namakkal Taluk	12,272
Rasipur Taluk	13,086
	25,358

in the sense that the means of communication are bad, and most of the villages are reached either on foot or on horseback. There are a few roads, which are at best cart tracks.

The bulk of the population in this tract lives by agriculture or cooly work. There are stray families of Lambadies and Irula Pujaries who may be said to belong to aboriginal or backward tribes. The Lambadies are found in Anchetti, Achubalu, Nellameru, etc., villages and the Irula Pujaries are found in the hill villages of Denka, nikotta Sub-taluk. Most of them earn their livelihood by doing cooly work, or by collecting fuel from Inam forests and selling them. They are not educated.

Their economic condition is not up to the standard of the rural population, in other parts of the taluk. But they are not much worse than many Adi Dravida coolies.

Their numerical strength is only about a hundred out of a total population of about two lakhs in the taluk. As their population is negligibly small, their case does not deserve any special consideration, nor do they require any special protection under the new reforms. Moreover there is no great difference—either in civilization or mode of living—between the members of these tribes and the homogenous inhabitants in the locality. It is not therefore necessary to treat this area as excluded or partially excluded.

The provisions of the Scheduled Districts Act does not appear to have been extended to this taluk.

None of the members of the above tribes is entitled to be on the Electoral roll under the new Constitution.

The Lambadies and Irula Pujaries in this taluk are not criminal tribes, and the provisions of the Criminal Tribes Act have not been extended to them. No special administrative treatment is necessary in their case. To treat them apart from the others is neither necessary, advisable nor convenient from the administrative point of view.

Enclosure VI.

REPORT OF THE REVENUE DIVISIONAL OFFICER, SANKARI, No. L.-5718-35, DATED THE 23RD AUGUST 1935.

There are about 2,000 Malayalis and 120 Lambadies (who alone can be considered to be members of the backward community) residing within the limits of Omalur taluk. Of these, 182 of the former and 2 of the latter are eligible to the vote.

Their ratio to the total population of other communities is so small that they do not admit of either partial or entire exclusion. They are in no way worse than the Adi Dravidas in respect of education or economic condition.

There are no aborigines or very backward people of the kind in Tiruchengodu taluk.

FROM THE COLLECTOR OF COIMBATORE, No. D. DIS.-8521/35, DATED THE 9TH AUGUST 1935.

The following statement exhibits the population of aborigines in this district as per census of 1931:—

Name of tribe.	District Population.	Distribution in taluks.			Other Taluks.	Remarks.
		Pollachi.	Bhavani.	Gobichettipalayam.		
Kadan	156	156	..	..	11	
Kaniyan	1,411	1,400	..	..	11	
Malasar	4,719	4,700	..	..	19	
Sholagan	2,878	..	45	2,800	33	
Total	9,164	6,256	45	2,800	63	

The above will show that the population of aborigines is not much and that they are scattered in several places of this district. I do not, therefore, consider that any portion in this district need be treated as wholly or partially excluded area.

FROM THE COLLECTOR OF COIMBATORE, No. D. DIS.-8801/35, DATED THE 16TH AUGUST 1935.

I have re-examined the question of excluded and partially excluded areas in the light of the instructions conveyed in Memorandum No. 192/0-5, dated 12th August 1935, and I find no reason to revise the opinion expressed in my previous report on the subject.

2. The 6,256 aborigines noted in the Pollachi taluk are all found on the Anamalais, and for the most part employed as labourers on the estates. The total population on the Anamalais is about 34,000 and the aborigines do not, therefore, preponderate.

3. The 2,800 sholagas are found in the Satyamangalam hills. The whole population of this area is about 24,000. It would be obvious that the aborigines are a minority.

4. Except for the coolies on the estates, the rest of the aborigines are scattered in small units throughout the forests and it would, in any case, be administratively impossible to exclude either wholly or partially, the scattered areas in which they reside. Moreover, I do not consider that there is any necessity to make any special provision for these people.

FROM THE COLLECTOR OF THE NILGIRIS, No. D. DIS. CONFDL. No. 3226-35, DATED THE 9TH AUGUST 1935.

The tribes of this district classified in Census Tables as primitive are the Badagas, Todas, Kotas, Irulas, Kasabas, Kurumbas and Paniyars. The populations of the Badagas, Todas and Kotas are as given below according to the Census of 1931:—

Badagas	43,075	persons.
Todas	597	,,
Kotas	1,121	,,

The population of the other tribes mentioned above is not shown separately in the Census Tables. They are not very numerous.

2. All these tribes are scattered over the district as a whole among the ordinary population. It is therefore not practicable to give them special treatment by way of territorial partial exclusion unless the whole district is to be treated as a partially excluded area for which there is no strong enough case.

3. The classification of Badagas as 'primitive' in the Census tables of 1931 appears to require reconsideration. Though still to a considerable extent insulated by their environment from the plains population, they are in no way of a racial standard below that of the general population and I consider their capacity as potential electors to be quite up to the average.

FROM THE COLLECTOR OF THE NILGIRIS, R. C. AL. No. 3413-35, DATED THE 17TH AUGUST 1935.

I have nothing to add to my report No. D. Dis. Confdl. No. 3226-35, dated 9th August 1935.

COPY OF A LETTER FROM THE COLLECTOR OF MALABAR, CALICUT, CONFDL. D. DIS. No. 8513/35, DATED THE 24TH AUGUST 1935.

I have carefully considered the condition of the district in the light of the instructions in Government's Memorandum. Except for the Laccadives, I do not consider that there is any area where there is a preponderance of aborigines or very backward tribes such as calls for any proposal for inclusion in the list of excluded or partially excluded areas. There are in Malabar a certain number of jungle tribes living on the slopes of the hills but they are very few in number in comparison with the rest of the population, and their case does not call for any special treatment.

2. With regard to the Laccadives including Minicoy that area is at present governed by the Scheduled Districts Act (XIV of 1874) and the administration is governed by the Regulation of 1912. The islands came under the control of Government, by cession by the Arakkal Rajah of Cannanore in 1909. I need not give a descriptive

summary of the people of the islands; the Government will find any information that they require in a convenient form in Mr. Elli's "Short Account of the Laccadive Islands and Minicoy". The population of the islands according to the 1931 census was 10,738. The whole population of the islands may be described as a backward community in that they are organised on a simple patriarchal system. The Regulation of 1912 is simple in its provisions and is adequate for its purpose, and I do not think there is the slightest doubt that the islands should continue so to be administered after the new constitution is introduced. The Local control of the administration of the islands at present lies with the Collector, who is under the orders of the Local Government in the Revenue Department; I consider there is a clear case for continuing the island under that control, *i.e.*, that the islands should be scheduled as a partially excluded area; in my opinion the special responsibility which would thus vest in the Governor, the departmental administration being under the Minister in charge of the Revenue portfolio, would be an adequate safeguard for the inhabitants of that area.

REVENUE DEPARTMENT.

COPY OF LETTER FROM THE COLLECTOR OF MADURA, REFERENCE No. 8044-35-B4, DATED THE 1ST SEPTEMBER 1935.

There are no areas to be classified as "Excluded or partially Excluded Areas" in this district.

LETTER FROM THE GOVERNMENT OF BOMBAY TO THE GOVERNMENT OF INDIA, No. R.-282, DATED THE 10TH NOVEMBER 1935.

Determination of areas in Bombay Presidency and Sind to be classified as 'Excluded' and 'Partially Excluded'. Further inquiries on the lines laid down by Secretary of State have been made of the Commissioner in Sind and Commissioners, Northern Division and Central Division and also Backward Class Officer. The Commissioners were requested to ask the Collector of each of the districts in their divisions containing a preponderance of aborigines or very backward people to investigate the problem so far as it affected his district. A memorandum summarising the reports of the officers consulted relating to the districts of Panch Mahals, Surat, Thana, West Khandesh and Nasik and containing the views of the Government of Bombay on the subject and also giving all other material required by the Secretary of State is forwarded herewith together with copies of the reports of the Backward Class Officer, Commissioners and Collectors consulted. The Government of Bombay consider that except the Mewasi estates and the Akrani Mahal in the West Khandesh district there is no area in the Presidency proper or in Sind which is so backward as to justify its declaration as an 'excluded' or 'partially excluded' area. The Mewasi estates and the Akrani Mahal in the West Khandesh district of the Presidency proper should, however, be treated as a 'partially excluded' area for the reasons given at the end of paragraph 5 of the attached memorandum.

Memorandum containing the views of the Government of Bombay on the question of excluding or partially excluding any areas in (I) Presidency proper (II) Sind.

As directed by the Secretary of State the Local Government has in consultation with the District Officers examined *de novo* in the light of the revised criteria suggested by the Secretary of State the question whether any areas in the Presidency proper and Sind should be classified as excluded or partially excluded areas or not. The facts as reported by the District Officers are briefly stated in the following paragraphs:—

I. PRESIDENCY PROPER.

There are certain areas in the Presidency proper such as the Panch Mahals sub-division of the Broach and Panch Mahals district and in the districts of Surat, Thana, West Khandesh and Nasik each of which have a population of over 100,000 aboriginals. In the opinion of the Local Government, none of these areas except the Mewasi estates and the Akrani Mahal in the West Khandesh district is so backward as to justify its declaration as an excluded area or as a partially excluded area. In none of them except the Mewasi Estates in the West Khandesh district does the Scheduled Districts Act

apply. Nor is the Local Government exercising in any of them power to apply acts with modifications or to appoint officers under section 6 of the Act.

2. *Panch Mahals sub-division of Broach and Panch Mahals district.*—The areas in the Panch Mahals sub-division are the Dohad taluka and the Jhalod Mahal. The population in these areas, though backward, is not aboriginal nor is the tract exclusively populated by the backward classes. There is an intermixture of the more advanced population. Although the backward classes are economically very poor, their general intelligence is fairly high. They have been in contact with the advanced classes for a very long time and there is mutual understanding between them. Some of them have been nominated on local bodies and have done as well as might be expected from an uneducated and economically poor class of people. Whatever disadvantages these people have suffered in the past have been due more to their ignorance, indebtedness and poverty than to their being completely unacquainted with democratic forms of Government or their political exploitation by the more advanced classes. The principle of electing a leader is not unknown to them, but is one of the usual incidents of their village life. Their response to deliberate efforts to educate them and advance their interests has been fairly good. Isolation or segregation of these tracts would retard their progress, permanently. What they need is not isolation but special measures to ameliorate their condition.

3. *Surat district.*—In this district except the forest area in the Mandvi taluka and some scattered areas in Valod Mahal and Bulsar taluka there is no area which could be considered for inclusion as an excluded or partially excluded area as the population of the aboriginals and other tribes is intermingled with the other population. The forest area in the Mandvi taluka hardly exceeds 100 square miles while the areas in the Valod Mahal and Bulsar taluka are scattered and negligible. These areas are not suitable for inclusion in the list of excluded or partially excluded areas.

4. *Thana district.*—In the Thana district the areas the population of which consists to an appreciable extent of aboriginals, forest tribes and other backward people are parts of Murbad, Shahapur, Dahanu and Palghar talukas, Umbergaon Peta and Mokhada Peta. Out of the communities classified as aboriginals and backward classes the Kolis, Varlis and Dublas form the majority. They cannot be said to be really very backward. The Varlis and Dublas are engaged mostly in agriculture, garden plantations and domestic service, particularly in Dahanu, Umbergaon and Bassein. Education has made good progress amongst these communities particularly amongst the Kolis some of whom are school-teachers, clerks and Talatis and even elected members of taluka local boards. Whatever progress is noticeable in the outlook of these communities is in a great measure due to their contact with the more advanced classes. Exclusion of the areas in which these tribes reside would not be beneficial to them as they would be denied the opportunities for assimilation with the more advanced communities and their progress would be retarded. The communities in the Thana district which are really backward are

Katkaris and Thakurs. These people live generally in hamlets of their own apart from the other communities, and in spite of the existence of educational facilities near their homes have not availed themselves of them. They are, however, not confined to any well-defined tract but are scattered almost all over the district and it is, therefore, not practicable to exclude the areas inhabited by them. The lack of progress shown by these communities as compared with Kolis and Varlis is due to the absence of proper contact with the more advanced people.

It is interesting to note in this connection that according to the franchise qualifications prescribed for the Provincial Legislative Assembly in the Government of India Act, 1933, about five thousand persons from the aboriginal and backward tribes in this district are likely to be qualified as electors for the local Legislative Assembly. This compares well with the total strength of electors in the district which is estimated to be about a hundred thousand. The voting strength of these tribes will have to be reckoned with by the candidates seeking election and this will afford them further opportunities of mixing with the more advanced communities and should gradually promote their general advancement.

5. *West Khandesh district.*—There is no case for classification of the greater part of this district as an excluded or a partially excluded area as the population of the aboriginals and very backward classes therein is only 35 per cent. of the whole district, *viz.*, 272.390 out of the total population of 771,794 and is not confined to any particular taluka. The greater part of the aboriginal population consists of Bhils who form 83 per cent. of the total aboriginal population in the district. It is not possible to say what percentage of the population the Bhils form in each taluka. Their population in Dhulia and Sindkheda talukas is insignificant. In the remaining five talukas they are preponderant in the western half of Sakri taluka the northern half of Sirpur taluka, the western half of Nandurbar taluka and almost throughout Taloda and Navapur talukas. But even in these areas the Bhils are mixed with other classes, a fact which has been of advantage to the Bhils as well as others. The process of assimilation which has been gradually going on would receive a set-back if these areas were excluded or partially excluded. It should however be noted that the Bhils in most parts of the District are not so backword as is generally imagined. They have been taking an increasing share in local self-Government. They are found on almost every local body in the district and they generally understand the principles of local self-Government. If after the introduction of the Reforms the areas in which they preponderate are declared as excluded or partially excluded areas, they may fall back in the scale of progress. Under the existing administration of municipalities and local boards they have not suffered in the least. On the contrary the local bodies are only too eager to advance their condition. The needs of the Bhils in the matter of communication and water supply have been considered sympathetically. The District Local Board is running four free boarding schools for Bhils in the district. To some extent the Bhils depend on the general population for their livelihood. Most

of them are bad farmers, and depend more on labour than on independent agriculture. Also some of them have dealings with moneylenders and others residing outside the areas in which the Bhils do not preponderate. If all the Bhil areas in the district were classed as partially excluded they would be greatly inconvenienced in such matters as sale of produce, credit facilities, etc. It may be noted in this connection that the Local Government has recommended that the seat allotted to the Backward Tribes in the reformed Bombay Legislative Assembly should be reserved in a general constituency of the West Khandesh district in which these Backward Tribes are numerous. If this recommendation is accepted it would help to improve the position of these classes.

There is, however, one portion of the West Khandesh district which in the opinion of the Government of Bombay requires special consideration. This is the area comprising the Mewasi Estates and the adjoining Akrani Mahal to the former of which the Scheduled Districts Act applies. The entry in the First Schedule to the Scheduled Districts Act regarding the Mewasi Estates is as follows:—

"IV.—The villages belonging to the following Mewasi Chiefs:—

(1) The Parvi of Kathi,

(2) The Parvi of Nal,

(3) The Parvi of Singpur,

(4) The Walwi of Gaohali,

(5) The Wassawa of Chikhli,

(6) The Parvi of Nawalpur."

The Mewasi Chieftains never enjoyed the status of Ruling Chiefs but were leaders of gangs of free booters inhabiting the tract which was both inaccessible and unhealthy and this inaccessibility and imbecility of the government of the last days of the Peshawa left them a free hand and eventually Capt. Briggs the first British authority charged with the occupation of Khandesh definitely subdued these chieftains. The estates were included in British territory by Regulation 29 of 1827. They were exempted from the ordinary law applicable to British India by Act XI of 1846 and special rules were framed for the administration of civil and criminal work of these estates. The Scheduled Districts Act was applied to them on 4th January 1887. The special criminal laws were abolished in 1920, the estates being brought under the ordinary criminal and police jurisdiction. The special civil rules are still in force. Government have under consideration at present a proposal to revise the existing arrangement but it appears that some special provision will have to be made in the revised arrangement to safeguard the interests of these chieftains. For instance, it may be necessary to provide that the estates shall be inalienable.

The question at issue is whether, in the future, the area of the Mewasi Estates should continue for a time at least to be a Scheduled District as at present or a partially excluded area under the new Government of India Act. In the first instance the responsibility is that of the Ministers; in the second, there is a special responsibility of the Governor.

There is something to be said for not making these estates a partially excluded area. The Legislative Council has been sympathetic in the past to Backward Classes generally. On the other hand, in view of past history and its known sentiments it is doubtful whether the Provincial Legislature would ever declare the estates to be inalienable. The estates have hitherto been preserved mainly because, for one reason or another and in one way or another, they have been "managed" for the Chieftains. In view of their past record the Government of Bombay consider that it is in the interests of the Chieftains that the estates should not be alienable.

In 1918 Government promised that the surplus excise revenue from these estates, after deduction of the compensation and other charges, would be spent for the benefit of the estates and though 17 years have elapsed since this promise was made nothing material has been done for the benefit of the estates and this indicates the need of acting cautiously now in the interests of the Chieftains and the inhabitants of the estates.

On the criterion set down by the Secretary of State and the facts summarized above the Government of Bombay are of the opinion that the Mewasi Estates and the Akrani Mahal in the West Khandesh District should be a partially excluded area. The proposal will not cause any administrative inconvenience. It will be for the good of the Chieftains and the inhabitants of the areas if, for some time to come, the Governor takes a *special interest* in these areas.

6. *Nasik District.*—In this district the aboriginals and backward population are to be found in the Peint Mahal and in the western hilly parts of Baglan, Kalwan, Nasik and Igatpuri talukas. In all these tracts except the Peint Mahal the education of these classes has not been neglected. Efforts have been made by the Local Boards concerned to open and maintain means of communications. The occupation of these classes is agriculture or agricultural labour. A majority of them have their own lands. Some of the members of these classes are members of the local bodies. Their economic condition is fairly satisfactory, and they do not require any special treatment under the new constitution. Also these areas are not so large nor so compact as to make the application to them of special legislation possible without considerable administrative inconvenience.

The conditions in the Peint Mahal are somewhat different. In most of the villages of this Mahal there are aboriginals and people who belong to Hill Tribes or extremely backward classes. Though many of them have their own lands their economic condition is far from satisfactory, and their lands are passing into the hands of money-lenders who, taking advantage of their ignorance and poverty, are exploiting them for their own ends. But the Mahal is too small for separate treatment while the aboriginals and Hill Tribes do not preponderate in it.

7. In addition to the special reasons stated above in regard to each area the Local Government is opposed to the declaration of any of these areas except the Mewasi estates and the Akrani Mahal in the West Khandesh district as a "partially excluded area" on general grounds also. The Aboriginal and Hill Tribes in these areas are not

so primitive as has been assumed. They are fairly intelligent, Local officers have reported that plenty of Bhils with experience of Local Board Administration and sufficient intelligence to be members of the Provincial Legislature can be found in these areas. They have enjoyed a democratic form of Government in the past along with other districts in the Presidency and the arrangement has worked well. Any proposal to exclude them now from it is bound to be resented as being reactionary and unjustified. The Divisional Commissioners who were asked to submit proposals for the delimitation of constituencies and allocation of seats (including the seat provided for the Backward tribes in the Bombay Provincial Assembly) have reported that it is unnecessary to establish separate constituencies for them and that the seat should, therefore, be a reserved seat in a General constituency in the West Khandesh district. Some of the areas suggested, *e.g.*, Surat district and Thana district are so advanced that it is manifestly absurd to exclude them from the common form of Government and in the case of the others, though they contain an aboriginal element, they also contain in a substantial measure, population which could not be described as backward. If the population in any of these areas had really been so primitive and backward as to require a special form of government they would have been declared "backward tracts" under section 52-A, of the present Government of India Act. This has not been the case. It would be an absurd exaggeration to say that any of these classes are totally isolated from civilization. If this were so they would be savages, whereas actually they live peacefully a life which at every turn is regulated by the laws of society. Through poverty or for excitement they may commit more offences than the ordinary men but they know what acts are offences and what the consequences of detection are. They understand the working of the revenue, forest, educational, excise and other Government Departments so far as it affects them. Large numbers are engaged by contractors of forest, and such classes as Dhodias and Dublas are largely employed on field-labour by landholders. They are in continual contact with the outside world. No doubt they are socially very backward with little or no interest in education, and their economic condition is also bad. But this state of things cannot be attributed to the introduction of the democratic principles of Government. There is no reason to think that the Legislative Council and Ministers have been less sympathetic towards these classes than the Government under the pre-reform period. All the areas in question are from time to time visited by Government officers of all Departments and are also freely open to the members of the more advanced classes who, as stated above, engage them in trade, forest contracts and the like.

8. Public opinion generally supports the attempts that are made to improve the lot of the backward classes. Steps in this direction have been taken in this Presidency by the appointment of a special officer called the Backward Class Officer and it has also been decided to appoint, when the necessary funds are available, a special assistant to the Backward Class Officer whose duty would be to look after the welfare of all aboriginal tribes. Lack of funds is the chief factor operating against a more rapid progress and it is not likely that the

progress would be expedited by notifying the areas as partially excluded. For all these reasons the Local Government is opposed to the classification of any of these areas except the Mewasi estates and the Akrani Mahal in the West Khandesh district either as an "excluded" or as a "partially excluded" area and are of the opinion that the powers vested in the Governor under section 52 (1) (*b*) of the new Act are sufficient to safeguard the legitimate interests of the Aboriginals and Hill Tribes living in these areas The Mewasi estates and the Akrani Mahal should, however, be treated as a "partially excluded area" for the reasons set forth above.

II.—Sind.

Notwithstanding the fact that the whole of the province of Sind is a Scheduled District within the meaning of the Scheduled Districts Act of 1874, all the ordinary criminal and civil laws have been applied to it. The Acts which have not been applied are of no constitutional or administrative importance. It is true that there is one enactment which does not apply elsewhere, namely the Sind Frontier Regulation, 1872. This enactment applies only to the talukas of Kashmore, Kandhkot, Thul, Jacobabad, Garhi Khairo, Shahadadkot, Kambar, Warah, Miro Khan, Kakar, Johi, Sehwan and the mahal of Kohistan, bordering on the frontier of Sind. These areas might possibly be considered to be more backward than the rest, but in fact over one-half of their total area (*i.e.*, all Upper Sind Frontier District, Kambar, Warah, Miro Khan and Shahadadkot talukas) consists of the most highly developed lands in Sind, and the people inhabiting them are not so much backward as criminal. The bulk of them who belong to the "hari" class are politically conscious in the sense of being versed in the personal quarrels and intrigues of zamindars which must for some time be the basis of any party system in Sind. They will, however, break away by degrees from their patriarchal ideas when they realise the power which the vote is giving them. The remaining portion is hill country which together with the inhabitants is far more like Baluchistan than Sind. The people of the hill country will not for the most part, be enfranchised. As they are extremely backward and have comparatively little in common with the people in the plain areas, being mostly migratory camelmen and herdsmen who come down only for the harvest, there might at first sight seem to be a case for classifying these areas as "partially Excluded". But for all practical purposes these people are unaffected by the present administration, except in the rare cases of murder in the hills, and possibly by a little revenue collection in the Kohistan Mahal. The Local Government do not think that they will be affected by the change in the form of Government. There is practically no way of exploiting them or their country, and in all ordinary matters, they will continue, as now, to rely on their local "waderos", etc., for protection and justice. The only difference which the Regulation makes is the introduction of a particular system of criminal and civil law to certain classes of individuals. Otherwise these individuals are on much the same level of intellectual and political development as the bulk of the agricultural class in those

areas. They do not therefore, in relation to the masses in Sind, need special education to enable them to stand on their own feet. There has, moreover, been a growing demand for the abolition of the system of law imposed by the Regulation, at any rate in particular areas, and this is a demand which is bound to be more loudly voiced in the future with the expansion of education and social reform.

2. There is another area in Sind, *viz.*, the desert division of the Thar Parkar district which presents some of the obvious features of a typical excluded area. It is remote and the inhabitants differ in many characteristics from other Sindhis. But though they are simple and backward people, it cannot be said that the application of democratic government would be dangerous and totally unsuitable. There are no obvious means of exploitation since there is little to exploit in the Desert which would seriously affect the lives of these peasants and herdsmen; and though they are a simple people there is no reason to suppose that they will be much slower than the Hari elsewhere in Sind to realise the advantage of a vote.

3. The number of aboriginals residing in Sind is insignificant. Moreover they are not confined to any particular area which could be selected for being declared as "Excluded" or "Partially Excluded" area. They are of nomadic habits and settle down temporarily at places where they are able to find labour. The problem in respect of these primitive tribes is not acute in Sind. Their legitimate interests will be safeguarded by the Governor who will have special responsibility in respect of the legitimate interests of minorities.

FROM D. SYMINGTON, ESQ., I.C.S., BACKWARD CLASS OFFICER, BOMBAY PRESIDENCY, POONA, TO THE CHIEF SECRETARY TO GOVERNMENT, POLITICAL AND REFORMS DEPARTMENT, BOMBAY, No. B. C.-1016 OF 1935, DATED THE 1ST AUGUST 1935.

With reference to your confidential No. R.-282, dated the 10th July 1935, I have the honour to submit the following remarks:—

2. Not having served in any of the districts referred to in Government's letter, except for a short time in Nasik District, I have no first-hand knowledge of the aboriginals and backward people concerned. In any case this will be supplied by the Collectors. As a result of the Starte Committee's report (1930) certain additional functions in connection with the backward classes were added to the duties of the Criminal Tribes Settlement Officer but the work since developed has been chiefly in connection with the depressed classes. The Committee made recommendations for scheme to extend education among the Aboriginal and Hill Tribes but these recommendations have been held in abeyance for lack of funds (paragraph 11 of Government Resolution, General Department, No. 4370 of 11th February 1931).

3. Government's letter contains three questions, (*a*) whether under the existing administration the aboriginals have suffered in any way, (*b*) whether they are totally isolated from civilization or

depend on the general population for their livelihood, and (*c*) whether any special treatment is necessary for them under the Reformed Government.

With regard to (*a*) I think it will be agreed as a general proposition that the Aboriginal and Hill Tribes are socially extremely backward, with no interest in education, and economically extremely wretched. For instance, the Katkaris who live chiefly in the forest areas of Kolaba and Thana Districts, are reported to be almost the serfs of forest contractors; the Varlis are said to be cultivators, but very bad ones, and the produce of their fields does not supply a full year's maintenance: the Bhils are only slightly better off, and equally buried in debt and slaves to idleness and liquor. All are very backward in education, and averse from it. Now it is easy to point out the backwardness and poverty of the Aboriginal and Hill Tribes, but it is quite another thing to say that their condition is due to the "existing administration". Perhaps more could and ought to have been done for them by Government in the days when there was more money to spend; if so, the blame if any must attach to Government and cannot be attributed to the introduction of the democratic system under the periodical Reforms. There is no reason to think that the Legislative Council and Ministers have been less sympathetic towards the aboriginals than the old bureaucracy. That being so there seems to be little logic in pressing the proposal to set up partially-excluded areas in this Presidency.

With regard to (*b*) so far as my information goes I think it would be an absurd exaggeration to say that any of our Aboriginal and Hill Tribes are totally isolated from civilization. If this were so they would be savages, whereas actually they live peacefully a life which at every turn is regulated by the laws of Society. Through poverty or for excitement they may commit more offences than the ordinary man, but they know what acts are offences, and what the consequences of detection are. Similarly they understand the working of the revenue forest, educational, excise and other Government Departments so far as it affects them. Many are actually employed in Government or village service. Large numbers are employed by contractors on forest work. Dhodias and Dublas I believe are largely employed on field labour by land-holders. It is clear that they are in continual contact with the outside world. Perhaps the District Officers may report small areas which are exceptionally cut off, but I think such must be very rare.

With regard to (*c*) I think it is self-evident that much remains to be done to improve the conditions of life of the Aboriginal and Hill Tribes. In this connection I would recall that only last year Government agreed (General Department, Memorandum No. 9298-B. of 15th May 1934) that a special assistant to the Backward Class Officer should be appointed to look after the welfare of all aboriginal tribes people, particularly Katkaris, in Thana, Kolaba and Poona districts. A suitable officer was actually selected, but no provision could be made in this year's budget for lack of funds. (General Department Memorandum No. 9298-B. of 23rd April 1935). Similarly the major recommendations of the Starte Committee concerning Aboriginal and Hill Tribes are still in abeyance for lack of funds. I do not, however,

think that progress in this direction would be likely to be expedited by notifying the areas concerned as partially-excluded areas. In fact, if the areas are partially excluded, the ministry in power at the time when any question of importance for the Aboriginal and Hill Tribes crops up, may make the Governor's special responsibility in the matter a ground for taking no initiative themselves.

Moreover, if the areas are not partially excluded, and any action prejudicial to the interests of the Aboriginal and Hill Tribes were being contemplated, *e.g.*, the withdrawal of educational grants in those areas—the Governor would I believe be able to intervene in the exercise of his special responsibility for protecting the legitimate interests of a minority community. That such is the intention of Parliament seems clear from paragraph 79 of the Joint Parliamentary Committee's Report. Further the existing relationship between the people and district officers will remain the same. As hitherto the local officers will be the chief spokesmen for the needs of their districts, and I presume their reports will still receive attention, particularly in matters relating to backward tracts which are less controversial than many.

4. On the whole, I do not consider that the interests of the people concerned themselves would be further by the action urged. Indeed, as stated above, it might result in a tendency to leave the responsibility for progress on the Governor's shoulders as his special responsibility, and the Governor is likely for many reasons to be reluctant to exercise his individual powers except on special occasions. This I think would be a real danger.

MEMORANDUM OF THE OFFICE OF THE COMMISSIONER IN SIND, GENERAL DEPARTMENT, No. G.-II/22-C., DATED THE 16TH AUGUST 1935.

The Commissioner in Sind presents compliments and with reference to Government letter, Political and Reforms Department, No. R.-282, dated the 3rd August, 1935, has the honour to state that, although Sind as a whole is a backward province, generally speaking no part of it can be said to be more backward than the remainder, so as to warrant total or partial exclusion of any part from the sphere of provincial autonomy.

2. Notwithstanding the fact that the whole of the province of Sind is a Scheduled District within the meaning of the Scheduled Districts Act of 1874, all the ordinary criminal and civil laws have been applied to it. The Acts which have not been applied are of no constitutional or administrative importance. It is true that there is one enactment which does not apply elsewhere, namely the Sind Frontier Regulation, 1872. This enactment, however, applies only to the talukas of Kashmore, Kandhkot, Thul, Jacobabad, Garhi Khaire, Shahdadkot, Kambar, Warah, Miro Khan, Kakar, Johi, Sehwan and the mahal of Kohistan, bordering on the frontier of Sind. These areas might possibly be considered to be more backward than the rest, but in fact over one-half of their total area (*i.e.*, all Upper Sind

Frontier district, Kambar, Warah, Mirokhan and Shahdadkot talukas) consists of the most highly developed lands in Sind, and the people inhabiting them are not so much backward as criminal. The bulk of them who belong to the "hari" class are politically conscious in the sense of being versed in the personal quarrels and intrigues of zamindars, which, the Commissioner fears, must for some time be the basis of any party system in Sind. They will, however, break away by degrees from their patriarchal ideas when they realise the power which the vote is giving them. The remaining portion is hill country which together with the inhabitants is far more like Baluchistan than Sind. The people of the hill country will not, for the most part, be enfranchised. As they are extremely backward and have comparatively little in common with the people in the plain areas, being most migratory camelmen and herdsmen who come down only for the harvest, there might at first sight seem to be a case for classifying these areas as "Partially excluded". But for all practical purposes these people are unaffected by the present administration, except in the rare cases of murder in the hills, and possibly by a little revenue collection in the Kohistan Mahal. The Commissioner does not think that they will be affected by the change in the form of Government There is practically no way of exploiting them or their country, and in all ordinary matters they will continue, as now, to rely on their local "waderos" etc., for protection and justice.

3. The only difference which the Regulation makes is the introduction of a particular system of criminal and civil law to certain classes of individuals. Otherwise these individuals are on much the same level of intellectual and political development as the bulk of the agricultural class in those areas. They do not therefore, in relation to the masses in Sind, need special education to enable them to stand on their own feet; and to facilitate the imparting of that education, as appears from paragraph 129 of Volume II of the Report of the Indian Statutory Commission, is the main object underlying the formation of "Excluded" or "Partially excluded" areas. There has, moreover, been a growing demand for the abolition of the system of law imposed by the Regulation, at any rate in particular areas, and this is a demand which is bound to be more loudly voiced in the future with the expansion of education and social reform.

4. The Desert Division of the Thar Parkar district presents some of the obvious features of a typical excluded area. It is remote and the inhabitants differ in many characteristics from other Sindhis. But though they are a simple and backward people, the Commissioner cannot say that the application of democratic government would be dangerous and totally unsuitable. There are no obvious means of exploitation since there is little to exploit in the Desert which would seriously affect the lives of these peasants and herdsmen; and though they are a simple people there is no reason to suppose that they will be much slower than the hari elsewhere in Sind to realise the advantage of a vote.

5. The number of aboriginals residing in Sind is insignificant. Moreover, they are not confined to any particular area which could be selected for being declared as "Excluded" or "Partially Excluded" area. They are of nomadic habits and settle down temporarily

at places where they are able to find labour. The problem in respect of these primitive tribes is not acute in Sind. Their legitimate interests will be safeguarded by the Governor who will have special responsibility in respect of their legitimate interests on account of their being in a minority in Sind [sub-clause 1 (*b*) of clause 52 of the Government of India Bill].

6. In the above circumstances, there seems in the opinion of the Commissioner no justification for excluding wholly or partially any part of Sind from the scope of responsible Government.

FROM J. H. GARRETT, ESQ., C.S.I., I.C.S., ACTING COMMISSIONER, NORTHERN DIVISION, AHMEDABAD, TO THE CHIEF SECRETARY, TO GOVERNMENT, POLITICAL AND REFORMS DEPARTMENT, BOMBAY, No. A. D. M.-509, DATED THE 23RD AUGUST 1935.

With reference to Government letters Nos. R.-282, dated the 10th July and 3rd August 1935, I have the honour to forward copies of the reports from the Collectors of Broach and Panch Mahals, Surat and Thana, who after carefully examining the problem of classifying any specified areas in their districts, within the category of "Excluded" or "Partially Excluded" areas, in light of the revised criteria suggested by the Secretary of State, report that for the reasons given in their reports, there are no areas in their districts. I agree with the opinion of the Collectors. In none of the areas in this Division, does the Scheduled Districts Act apply nor is the Local Government at present exercising power to apply Acts, with modifications or to appoint officers under Section 6 of the Act.

The areas examined contain large numbers of primitive and backward tribes but they are very largely dependent on the more advanced classes for their livelihood and live and have dealings in contact with those classes. It has never been the practice to segregate these primitive tribes and they have had no ground to complain of neglect or oppression. I am unable to see why it is feared, that the reformed Government should treat them in any worse fashion. Public opinion generally supports the attempts that are made to improve the lot of such persons.

There is of course in this Presidency a Backward Class Officer with Assistants and there is no reason to fear that the reformed Government will decide to discontinue this office.

It may be that Parliament is ignorant of the true conditions and supposes that the areas where the primitive tribes are found are wholly savage like the Hill Tracts of Assam. This is far from being the case. They are visited by Government Officers of all departments and are also freely open to the members of the more advanced classes who engage in trade, forest contracts and the like.

There is in my opinion no ground whatever for exclusion or partial exclusion of any area in this Division.

FROM U. M. MIRCHANDANI, ESQ., B.A., I.C.S., COLLECTOR, BROACH AND PANCH MAHALS, TO THE COMMISSIONER, NORTHERN DIVISION, AHMEDABAD. No. A. D. M., DATED THE 9TH AUGUST 1935

I am not in favour of either Dohad or Jhalod being treated as excluded or partially excluded areas. Such treatment is neither justified on merits, nor by precedent.

The population, though backward, is not aboriginal. Neither is this tract exclusively populated by backward classes; nor is the class confined only to this tract. Although economically very poor, the general intelligence of these (backward class) people is fairly high. They have been in contact with the advanced classes for a very long time and understand their ways fairly well. Some of them have even been nominated on Local Bodies, and have done as well as might be expected from uneducated and economically poor class persons. Whatever disadvantages these people have suffered in the past, have been due more to their ignorance, indebtedness and poverty, than to their being completely unacquainted with democratic forms, or their political exploitation by the more advanced classes. The principle of electing a leader is not unknown to them. In fact, it is one of the usual incidents of these persons' village life.

Wherever a deliberate effort has been made to educate and advance the interests of these classes, the response has been fairly good, and the results not too disappointing. What these tracts need is not isolation from the more advanced sections of the population, but special measures and financial assistance for redeeming them from debt, improving their agriculture and advancing their general economic welfare by organised marketing, etc., and educating them rapidly upto the standard of the advanced classes. Isolation or segregation would, in my opinion, retard their progress permanently.

The general condition of backwardness and poverty, in which the Bhils and other backward class inhabitants of Dohad and Jhalod live is not very dissimilar to the condition of backward classes elsewhere, *e.g.*, the Dheds, etc. The latter are not proposed to be segregated; nor should the Bhils be. Such isolation is, in fact, hardly possible in these days, in view both of the extent to which all such backward classes are intermixed with the more advanced population, and the rapid spread of progressive ideas, due to the modern ease of communication between different parts of the country.

There is no part of this district to which the Scheduled District Act now applies; nor have any officers been appointed under Section 6 of the Act.

FROM M. D. BHANSALI, ESQ., M.A., I.C.S., COLLECTOR OF SURAT, TO THE COMMISSIONER, NORTHERN DIVISION, No. A. D. M., DATED THE 9TH AUGUST 1935.

I have the honour to invite reference to your No. A. D. M.-509, dated 6th August 1935, and to state that the population of aborigiral and Hill Tribes and backward class tribes for Surat District as obtained from the statistical tables of census of India 1931 are

2,77,155, the total population of the district being about 7,00,000. Except in Mandvi and small scattered areas of Valod Mahal and Bulsar Taluka there is no area which could come under the category of excluded or partially excluded areas as the population of the aboriginals and other Tribes is intermingled with the other population.

In Mandvi Taluka the forest area to the East consists of aboriginals, forest tribes or other very backward class people. The total area however hardly exceeds 100 square miles.

The areas from Valod Mahal and Bulsar Taluka are scattered and negligible.

In the circumstances I am of opinion that there are no areas in this District which can be proposed for inclusion as Excluded or Partially Excluded Areas.

FROM KHAN BAHADUR SHAIKH YAKUB VAZIR MUHAMMAD, M.B.E., C.S., COLLECTOR OF THANA, TO THE COMMISSIONER, NORTHERN DIVISION, AHMEDABAD, SHAHI BAGH, No. I. C. R.-53, DATED THE 21ST AUGUST 1935.

With reference to your endorsement Nos. A. D. M.-509, dated the 29th July 1935 and the 6th August 1935, I have the honour to state as under:—

The areas the population of which consists to an appreciable extent of aboriginals, Forest tribes and other very backward people in the District are parts of Murbad, Shahapur, Dahanu and Palghar Talukas, Umbergaon Peta and almost the whole of the Mokhada Peta. The total population in the District of these classes is according to the Census of 1931 as shown in the statement below and out of these nearly one lac is confined to the parts referred to above:—

Chodia	13,596
Dublas	15,907
Katkari	32,021
Thakur	40,485
Varlis	1,18,849
Mohadeo Kolis	5,343
Malhar Kolis	34,119
	2,60,320

2. I understand the question to be considered is whether by exposing these classes to the normal consequences of popular Government, these people would not suffer, and if so, whether it would not be desirable to shut them from the focus of the Reforms entirely or partially.

In the first place, the Scheduled Districts Act is not applied to Thana and the question of presumption in favour of its partial exclusion cannot arise.

Out of the communities classified as aboriginals, etc., and the Kolis, Varlis and Dublas who form the majority cannot be said to be really very backward. The Varlis and Dublas are engaged mostly in agriculture, garden plantations, and domestic service particularly in Dahanu, Umbergaon and Bassein. Education has made good spread amongst these communities particularly amongst the Kolis, amongst whom there are school teachers, clerks and Talathis and some have been elected members of Taluka Local Board too. The Dublas and Dhodias are scattered over parts of Umbergaon and Dahanu. Only the Varlis and Kolis are confined to parts of Dahanu, Umbergaon and Mokhada so as to form the major portion of the population of the areas they inhabit. The communities really backward are Katkaris and the Thakurs. These people live generally in hamlets of their own apart from the other communities, and inspite of the existence of educational facilities near their places have not much taken advantage thereof. These people are not however confined to any well defined tract but are scattered almost all over the District. It is not possible or practicable to exclude the areas inhabited by these people.

As to the areas which have a preponderating population of Kolis and Varlis, I would not recommend exclusion either wholly or partially, as I do not think it would be beneficial to them. Whatever progress has been made in the out-look of these backward communities is probably in a great measure due, along with other factors, to their contact with the more advanced classes. The better progress that is noticed in the Kolis and Varlis as compared to the Katkaris and Thakurs is due to their freer contact with the more advanced communities as against the seclusion in which the latter two communities live.

3. The number of persons who would be enfranchised from amongst these communities under the new franchise would be about 5,000, *i.e.*, one out of 50 would be enfranchised. This compares well with the total strength of voters in the District which is estimated at about one lac. These people would thus command one-twentieth of the votes. This voting strength has to be reckoned with by the candidates seeking election. Although for some time, it may not be possible for these classes to send up a man from their own communities to the Legislative Assembly, the voters will get a good opportunity to rub shoulders with those of the other advanced communities. Exclusion even partial would mean that these people will not be required to exercise the franchise however effectively.

The North Thana Constituency as at present proposed, in which fall the areas affected has a seat reserved for the Scheduled castes. The members of the Scheduled castes living in these areas will as a result of exclusion lose the concession they are to get.

Another difficulty would be administrative arrangements. Exclusion of a few villages would cause a split in the administration.

My own view is that the more the people get opportunities to come in contact with those of the other communities more advanced than them, the more early will these people get over their disabilities, and on this if no other ground I would urge that there should be

no exclusion of any areas even partially. By exclusion the opportunities for assimilation with the more advanced communities will be denied and the progress of these communities will be retarded.

FROM A. W. W. MACKIE, ESQ., C.I.E., I.C.S., COMMISSIONER, CENTRAL DIVISION, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF BOMBAY, POLITICAL AND REFORMS DEPARTMENT, No. A. D. M.-1/66-(c)-V, DATED THE 4TH SEPTEMBER 1935.

With reference to Government Political and Reforms Department, letter No. R.-282, dated 10th July 1935 and 3rd August 1935, I have the honour to submit herewith copies of letter dated 14th August 1935, from the Collector of West Khandesh and letter No. A. D. M./F.-470, dated 25th August 1935, from the Collector of Nasik, with copies of their accompaniments.

2. In both cases an area has been proposed for classification as "partially excluded". I do not think these proposals should be adopted. The reasons have already been given in the Express Letter of the Government of Bombay No. R.-282, dated 15th April 1935, and the telegram of the Government of India, No. 1051, dated 24th April 1935. To these might be added that Peint is too small an area for separate treatment and that it is not shown that hill tribes and aborigines predominate therein. As regards the proposed area in West Khandesh, it adjoins the Mewasi Estates, and in this connection the Commissioner, C. D., wrote in his No. L. N. D.-1/151, dated 25th March 1933, dealing with these Estates that "the development of the adjoining districts has of recent years been rapid and this must soon affect even these Estates". Another reason is that if the proper administration of these areas is made specifically to depend in ordinary course on the intervention of the Governor, the Minister will be apt to regard that as a reason for leaving their welfare to the case of the Governor. It may also be added that the Governor will still have certain powers of intervention even though the areas are not classified as 'excluded' or 'partially excluded'.

3. The Collector of West Khandesh makes no mention of the Mewasi Estates. They are at present in fact in the position corresponding to that of "partially excluded" areas (*vide* Commissioner, C. D.'s No. L. N. D.-1/151, dated 25th March 1933, addressed to Revenue Department) and should so remain since it is obvious they must be excluded either wholly or partially.

4. No part of the West Khandesh or Nasik districts is a "Scheduled District" under the Scheduled Districts Act; but the Mewasi Estates are.

FROM SAHEBZADA SARDAR MUHAMMAD KHAN, COLLECTOR OF WEST KHANDESH, TO THE COMMISSIONER, CENTRAL DIVISION, POONA, DATED THE 14TH AUGUST 1935.

With reference to your endorsement, No. A. D. M.-1/66-(c)-V, dated 22nd July 1935, and reminder of the same number dated 5th instant, I have the honour to state as follows:-

The total population of the West Khandesh District is, according to the Census of 1931, 7,71,794 of which the population of Advanced

Classes is 35,688, of the Intermediate Classes 3,35,196, of Aboriginal and Hill Tribes 2,72,390, of Depressed Classes 49,679, and of Muslims 39,604.

For a better appreciation, these figures are given below in the form of percentages:—

Total population of West Khandesh . . .	7,71,794
Population of Advanced and Intermediate Classes	48 per cent.
Aboriginal and Hill Tribes	35 per cent.
Depressed Classes	7 per cent.
Muslims	5 per cent.

It will thus be seen that the aboriginals and very backward classes form only 35 per cent. of the whole population in this District. As the advanced and intermediate classes form 48 per cent., it cannot also be said that the aboriginals form a predominant part of the population. The question whether the whole of the district of West Khandesh should be treated as excluded or partially excluded area is thus capable of only one answer in accordance with the criterion suggested by the Secretary of State in paragraph 3 of his No. P. & J.-(c)-5420, dated 7th June 1935. In my opinion, therefore, there is no case for including the whole of the District of West Khandesh in the category of an excluded area or a partially excluded area.

The question then remains whether it is necessary or advisable to treat a part of this district as an excluded area or a partially excluded. The greater part of the aboriginal population (2,72,390) consists of Bhils whose total number is 2,25,893 or 83 per cent. of the total aboriginal population. The Bhils are not so backward as is generally imagined. They have been taking an increasing share in local Self-Government. On almost every local body in the District there are Bhils. They are generally understanding the principles of local Self-Government, and if after the Reforms, the areas where they preponderate are classed as excluded area, they would fall back in the scale of progress. Under the existing administration of municipalities and local boards, they have not suffered in the least. On the contrary, the local bodies are only too eager to advance the condition of Bhils. To mention a few instances, the District Local Board is running four free boarding schools for Bhils in this district. The needs of Bhils in the matter of communication and water supply are also considered sympathetically by local bodies.

The number of Bhils and other aboriginal tribes on the various local bodies in this district is given below:—

—	District Local Board, West Khandesh.	District School Board, West Khandesh.	Taluka Local Boards.
Bhils	2	1	9
Aboriginal Tribes people . .	..	..	..

Name of the Municipality.	Name of the Member.	No. of seats.
1. Dhulia	....	..
2. Nandurbar . . .	....	..
3. Betawad. . . .	Ananda Mansing Bhil (nominated).	1
4. Shirpur	....	..
5. Shahada	Lala Bala Bhil . . .	1
6. Sindkheda . . .	Ramlal Bapu Bhil . . .	1
7. Taloda	1. Dita Hira Padvi . .	1
	2. Na·si Vajirya . . .	1
		5

The Bhils are at present entitled to some concession in the matter of grants of land. This is one of the matters in which there is a great conflict of interest between the Bhils and the Intermediate Classes (Marathas and Kunbis, etc.). Whether a popular Government would remove or restrict these concessions to Bhils after the Reforms is a matter on which it is difficult to express an opinion. In my view, the powers of the Government under the new Government of India Act are sufficient to prevent any such possibility without a necessity of classifying the Bhil areas as partially excluded areas. To a certain extent the Bhils do depend on the general population for their livelihood. Most of the Bhils are bad farmers, and depend more on labour than on independent agriculture. Some of the Bhil farmers themselves have dealing with money-lenders and others who reside in areas which are not preponderantly Bhils. If the Bhil areas are classed as partially excluded, the Bhils themselves would be put to great inconvenience as they will have no one to give them credit. Of course, it is a debatable question whether the credit facilities which the money-lenders give the Bhils do in fact improve or worsen the lots of the latter. If the Bhil areas are classed as partially excluded they would be inconvenienced, in such matters as sale of produce, credit facilities, etc.

Further, I am of the opinion that under Reformed Government, no special treatment of Bhils is necessary beyond what other minorities and backward classes are entitled to. The safeguards provided for other minorities and backward classes are sufficient to protect the interests of Bhils as well.

In the Census report, figures of Bhil population in the various talukas are not given. It is therefore not possible to say definitely what percentage the Bhils form in each taluka. The population of the Bhils in Dhulia and Sindkheda talukas is insignificant, in other five talukas—Shirpur, Shahada, Taloda, Nandurbar and Sakri—and the Nawapur Peta, they may be said to be preponderant in certain

areas. For instance, the western half of Sakri taluka, the northern half of Shirpur taluka, the western half of Nandurbar and nearly the whole of Taloda and Nawapur are preponderantly Bhils. But even in these parts the Bhils are mixed with other classes—a fact which is of advantage to the Bhils as well as to the others. The process of assimilation which has been gradually going on will receive a set back if these areas are partially excluded.

For all these reasons, I agree with the opinion expressed by the Government of Bombay and the Government of India prior to the amendment of clause 91 of the Government of India Act in Committee that it is not advisable to include the whole or any part of West Khandesh in the category of the excluded or partially excluded areas.

Of course as mentioned in paragraph 2 of the Political and Reforms Department office notes, dated 4th June 1935, in the case of a partially excluded area, the authority of the Provincial Administration will not be removed from the area but will be subject to the special power of regulation of the Governor. The difference between a partially excluded area and areas completely under the Provincial Administration will thus depend on the extent to which the Governor may think fit to restrict the power of the municipalities and the popular legislation. In the case of the Bhil area, the extent of this restriction on the powers of the Ministers may be limited to a minimum, consistent with the needs for safeguarding the interests of the Bhils who will not be effectively represented in the Legislature. The administrative inconvenience of including the Bhil area in the category of partially excluded areas will not be very great as discussed in paragraph 4 of the Secretary of State's D. O., No. P. & S.-(c)-5420, dated 7th June 1935. One special officer will be sufficient for all the partially excluded areas. I therefore suggest that the following areas be included in the category of partially excluded areas, viz., the area comprising the western half of Sakri taluka, the whole of Nawapur Peta, the western half of Nandurbar taluka excluding Nandurbar town, Taloda taluka with the exception of the south-western part, and the northern half of Shahada taluka. If my suggestion is accepted, a detailed list showing the names of all the villages proposed to be included in the category of partially excluded areas will be submitted.

FROM S. AMINUDDIN, ESQ., I.C.S., COLLECTOR OF NASIK, TO THE COMMISSIONER, CENTRAL DIVISION, POONA, No. A. D. M./F.-470, DATED THE 25TH AUGUST 1935.

With reference to your endorsements No. A. D. M.-1/66-(c)-V, dated the 22nd July 1935 and the 5th instant, I have the honour to state as under:—

2. According to the census of 1931 the population of Primitives or Hill Tribes and Backward classes in this district is 190,113. These people are to be found in this district in Peint Mahal and in the Western and hilly parts of the Baglan, Kalwan, Nasik, and Igatpuri Talukas. It may be stated that to none of these tracts the provisions of the Scheduled District Act were applied before.

3. I append a statement showing details about the number of schools, Taluka Local Board roads, etc., in these areas.

4. I should deal with the question in the following two parts.

(1) *Tracts other than Peint Mahal.*—It will appear from the information compiled in the accompanying statement that the education of the primitives and people belonging to the Hill Tribes and backward classes in these areas cannot be said to have been neglected. It will also appear that efforts have been made by Local Boards concerned to open and maintain means of communications mainly unmetalled roads. The occupation of these aboriginals is agriculture or agricultural labour. A majority of them have their own lands. Their economic condition is on the whole fairly satisfactory.

I do not think they require any special treatment under the new constitution. Besides the areas in these talukas are not of a large or compact size to make possible the application to them of special legislation and to be susceptible without inconvenience of special administrative treatment. For all these reasons I do not consider it necessary to include any of these areas within the category of excluded or partially excluded areas as contemplated by the New India Act.

(2) *Peint Mahal.*—The conditions in Peint Mahal are however somewhat different. In most of the villages of this Mahal there are aboriginals and people who belong to Hill Tribes or extremely backward classes. Their economic condition is far from satisfactory. Many of them have their own lands but they are rapidly passing into the hands of Sawkars. To remedy this evil I have suggested in my letter No. L. N. D. 445, dated the 18th July 1935 (*vide* please copy attached for reference) that Government may be moved to make a declaration that occupancies in possession of certain backward castes of this Mahal will not be alienable without the sanction of Government. These people are not also properly represented on local bodies. Although there are six members from the Kokani Kunbis on the Taluka Local Board, they are all from 2 or 3 big villages in the Mahal and are completely under the thumb of the Sawkar Class. Experience has shown that unless the constitution of the Board is changed, the aboriginals would not get fair representation on the Board. I have already made a reference in this connection (*vide* please correspondence ending with your letter No. Nk.-D.-1/4, dated the 18th September 1934).

In point of education also these people are extremely backward. The District Local Board has opened a Boarding house exclusively for the benefit of the boys who are aboriginals or belong to the backward classes of the Mahal. But with all this rank ignorance prevails among them and the Sawkars have been rapidly exploiting them for their own ends.

For all these reasons I am of the opinion that there exists a case for classing the Peint Mahal in this district as a "partially excluded area". As most of the population of the Mahal is primitive and backward in the extreme spread over most of its area, there appears no objection even from the point of view of administration to the area being classed as a "partially excluded area".

Statement showing information about population, etc. of certain talukas and Mahals in the Nasik District where there are Primitives and Hill Tribes.

*V. P.—Village Panchayat. S. C.—Sanitary Committee. T. L. B.—Taluka Local Board.

Taluka or Mahal.	No. of villages.	Population.	No. of villages in which there are aboriginals and hill tribes in large numbers.	Population of villages in col. 4.	Population of aboriginals, etc. in villages in col. 4.	Number of schools in taluka or Mahal.	Aboriginals on Local Bodies.	Local Board roads in miles.		Aboriginals etc. who are peons or talatis.
								Metalled.	Unmetalled.	
1	2	3	4	5	6	7	8	9	10	11
Nasik.	137	1,43,886	33	14,823	7,010	29	*V. P.1— S. C.—1	0	34	1 peon.
Igatpuri	130	78,783	35	16,277	15,117	20	T. L. B.—1	2	6	1 peon.
Kalvan	193	68,932	116	33,718	33,274	22	T. L. B.—1 V. Ps.—2.	..	187	2 peons.
Baglan	161	80,647	49	10,028	9,941	41	*Nil*	..	246	2 peons.
Peint	245	58,197	30	6,298	5,183	14	T. L. B.—6 (Kokani Kunbis).	.. ..	21 ..	1 peon. 1 Talati.

S. AMINUDDIN,
Collector of Nasik.

FROM T. T. KOTHAVALA, ESQ., M.A., COLLECTOR OF NASIK, TO THE COMMISSIONER, CENTRAL DIVISION, POONA, NO. L. N. D.-445, DATED THE 18TH JULY 1934.

I have the honour to state that Peint Mahal of this district is extremely backward in education. There are only two full grade vernacular schools in the Mahal with the result that the hill tribes and other allied castes residing there are extremely backward in education and do not understand even simple accounts. The extent to which they are backward has been aptly described in para. 12 of the letter No. 1269, dated the 7th November 1895, from the Superintendent, Deccan Revenue Survey, Poona, printed in the selections No. CCCLL of the selections from the records of the Bombay Government and paras. 24 to 27 of the letter No. Nil, dated 10th April 1920, from the District Deputy Collector and Assistant Settlement Officer, Peint, printed in the selection No. DXCLV of the selections from the records of the Bombay Government to which a reference is invited in this connection.

2. The result of this is that the backward classes are at the mercy of the local Sawkars who exploit them for their own ends in various ways by taking advantage of their abject ignorance and thriftless habits. Owing to the ignorance of these people and shrewd machinations of the local Sawkars lands of the former are rapidly passing into the hands of latter and the extent to which the land has gone to Sawkars during the last 15 years is given in the subjoined statement.

Statement showing the lands transferred to Sawkars during the last 15 years in Peint Mahal.

Year from 1920 to 1924.		Year from 1925 to 1929.		year from 1930 to 1934.	
Area A. G.	Assessment.	Area A. G.	Assessment.	Area A. G.	Assessment.
	Rs.		Rs.		Rs.
825·5	618	1025·28	595	1093·21	700

3. It may be noted that naturally the land which so passes into the hands of the Sawkars is generally the best land available in the village. If this transfer of lands is not checked in time, it is apprehended that in course of time the local Sawkars will be the owners of all cultivable land in Peint and the present occupants will serve them as serfs. This cannot be called in satisfactory state of things and a remedy appears to be necessary to check this as soon as possible.

4. One of the ways in which this can be done is to make a declaration that occupancies in possession of the castes* of this Mahal known to be backward will not be alienable without the sanction of the Collector. Transfer of lands will then be possible only after the passing of proper consideration and much of the present deception will disappear. A declaration of this kind exists in case of certain villages of West Khandesh, people of which are not more backward than those of Peint. This has been possible in the former villages as a result of the issue of notifications under section 73-A, Land Revenue Code (*vide* please page 225 of the Joglekar's Land Revenue Code).

5. The current is the second revision settlement in Peint having been introduced in 1920-21 and hence a notification of the kind noted above cannot now be issued in case of Peint. It appears that such notification can be issued only before the introduction of the original settlement in a taluka. If this is so, it is suggested that steps may be taken, if you agree, to move Government to undertake legislation to protect the inhabitants of this backward area and preserve them as owners of land instead of tenants at will of absentee landlords.

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* 1 Varli, 2 Ko'i, 3 Thakur, 4 Kokani, Kunbi, 5 Mahar, 6 Mang, 7 Chambhar, 8 Bhangi, 9 Ho'ar, 10 Ghadshi and 11 Kathodi.

LETTER FROM THE GOVERNMENT OF BENGAL, TO THE GOVERNMENT OF INDIA, No. 2029-A. R. D., DATED THE 17TH OCTOBER 1935.

With reference to your letter No. F.-4/35-G. (B), dated the 2nd July 1935, I am directed to submit herewith a memorandum containing the views of the Government of Bengal on the determination of areas to be classified as 'Excluded' and 'Partially Excluded' in Bengal.

Memorandum on Excluded and Partially Excluded Areas in Bengal.

1. As requested by the Government of India, the Government of Bengal have re-examined the question of the areas in the Presidency which should be classified as Excluded or Partially Excluded under section 91 of the Government of India Act, 1935. The criteria on which the re-examination has been made are:—

(a) the preponderance in a district of aborigines or very backward people, or the presence in a district of an aboriginal or primitive population of sufficient size to make possible the application to it of special legislation or special administrative treatment without inconvenience;

(b) the application to a district, as under the present constitution, of the Scheduled Districts Act under which the local Government can exercise power to apply Acts to scheduled areas with such modifications as may be deemed suitable, and can appoint officers (section 6); and

(c) whether the best interests of the classes of the population which cannot be represented, or effectively represented in the legislature, will be served by the application to them, without modification or adaptation, of the legislation and methods of administration which will be in force throughout the rest of the Presidency, and, if not, the extent to which the areas in which such classes predominate can be brought, without administrative disadvantage or without countervailing disadvantage to the rest of the inhabitants of the area, within the special provisions of Chapter V, Part III of the Act.

2. As requested by the Government of India, local officers were consulted. They were also asked to report whether they considered it necessary to appoint selected officers as advisers in any areas, the special duty of such officers being to keep the Government and the Governor fully informed of the needs of aboriginal or backward peoples.

3. A statistical statement is appended to this memorandum, from which it will be seen that, apart from the Chittagong Hill Tracts and the district of Jalpaiguri, there is no district in Bengal in which the proportion of aboriginal or primitive tribe population to the total

population of the district is as much as 15 per cent. Including the Chittagong Hill Tracts and Jalpaiguri there are only four districts in Bengal in which the proportion is over 10 per cent., namely, the Chittagong Hill Tracts, 73.2 per cent., Jalpaiguri, 21·4 per cent., Bankura, 12·5 per cent., and Darjeeling 11·9 per cent. Thus, apart from the Chittagong Hill Tracts and Darjeeling, the cases of which have already been exhaustively dealt with in correspondence between the local Government and the Government of India, there are only two districts in Bengal, namely, Bankura and Jalpaiguri, in which the proportion of the primitive or aboriginal peoples is over 10 per cent of the total district population. *Prima facie*, therefore, on the main criterion given in paragraph 1 above, there is no need to reopen the question; but in deference to the wishes of the Government of India, local officers were asked to re-examine the problem with respect to all districts in which the population of primitive or aboriginal peoples is five per cent. or over of the total district population.

4. With regard to the Chittagong Hill Tracts and Darjeeling, the local Government have nothing to add to the views which they have already expressed, *vide* the following letters addressed to the Government of India, copies of which are enclosed for ready reference:—

Darjeeling—

No. 14658-A., dated the 11th December 1930.

No. 5055-A., dated the 29th June 1931.

No. 2502-A. R., dated the 14th November 1933.

Chittagong Hill Tracts—

No. 109-A. R.—D., dated the 16th May 1933.

No. 2606-A, R., dated the 6th December 1933.

In the Sixth Schedule to the Government of India Bill as presented to the House of Commons, the Chittagong Hill Tracts was classified as an Excluded Area and the Darjeeling district as a Partially Excluded Area and the Government of Bengal assume that not only it is not necessary at this stage to reopen the question of the future status of these areas, but that the present reference affects only the other districts in the Presidency.

5. From the statistical statement it will be seen that there Divisions in the Presidency—the Presidency, Dacca and Chittagong Divisions—are unaffected by the present reference, as the average percentages of the aboriginal or primitive tribe population to the district populations are negligible. The figures are—

Presidency Division	1·19
Dacca Division	·28
Chittagong Division (excluding Chittagong Hill Tracts) .	·47

The highest district ratio in any of these three Divisions is 2 per cent. in Murshidabad. The average for the whole of Eastern Bengal

(Dacca and Chittagong Divisions) is only ·34 per cent. The Calcutta figure is 2·5 per cent. With regard to the Burdwan and Rajshahi Divisions, the letters of Divisional Commissioners are enclosed, and also the letters of three district officers,—the District Magistrate of Bankura in the Burdwan Division, in which district the population ratio is 12·5 per cent.; the District Magistrate of Malda, in which district the ratio is only 8·2 per cent. but in which Government have found it necessary to appoint a special officer to look after the interests of the Santhals; and the District Magistrate of Jalpaiguri, the population ratio of which is 21·4 per cent. It will be seen that, with the exception of the district of Jalpaiguri, the local officers are of opinion that there is no need to declare any area a Partially Excluded Area. With regard to the Burdwan Division, the Commissioner observes that there is no justification for declaring any part of any district in his Division either Excluded or Partially Excluded, as the population of the primitive tribes is either small or scattered. With this view the local Government are in entire agreement.

6. With regard to the Rajshahi Division, it will be seen that both the Commissioner and Deputy Commissioner recommend the Partial Exclusion of the district of Jalpaiguri. The local Government have carefully considered their views, and are unable to support them. In the first place, the population of the primitive or aboriginal peoples in Jalpaiguri is only 21·4 of the district total. A ratio of less than one quarter cannot be called a preponderating proportion of the population. In the second place, although Jalpaiguri is included in the First Schedule to the Scheduled Districts Act (XIV of 1874), in all essential respects it is similar to the non-scheduled districts of Bengal. It takes a full share in the present system of Government. It forms a non-Muhammadan constituency for the Legislative Council, returning one member, and, along with the small district of Malda, it makes a one-member Muhammadan constituency. It has gradually been brought within the normal municipal and rural local self-government systems of the Presidency. When the present Constitution came in, the question was very carefully considered as to whether special treatment was necessary for Jalpaiguri, and the Government of Bengal in 1918 expressed themselves in favour of treating it in the same manner as other districts in the province (with the exception of Darjeeling and the Chittagong Hill Tracts) as will be seen from the Government of Bengal's letter No. 6156, dated 15th November 1918, a copy of which is enclosed, for ready reference. The present Government of Bengal agree with the views expressed in that letter, and in respect to the present issue would regard the adoption of the views of the Commissioner as a retrograde step, which would not only not be in the best interests of the inhabitants of the district, but would be definitely opposed to them.

7. The Commissioner has been content to accept the special pleading of Mr. Hutchings, the Deputy Commissioner, whose main arguments are reducible to three. One is the general statement that the people of Jalpaiguri as a whole are not yet used to the normal system

of local self-government prevalent in the rest of the province. This point is not sustainable for two reasons, first because Mr. Hutchings would by it deprive the whole population of their full civic rights under the new Constitution, whereas only 21·4 per cent. of the population are aboriginals, and, secondly, because it cannot be said that a district which forms a full non-Muhammadan and the major part of a Muhammadan constituency for the present legislature is unused to civic duties. The second argument of the Deputy Commissioner is that the district should be Partially Excluded because the system of land tenure and the economic structure of the district as a whole are peculiar. A large part of Jalpaiguri is under forest and tea cultivation, but this is no argument for total or partial exclusion; indeed, the argument is on other side, for the very fact that large areas are given over to forests and tea cultivation indicates strength in capital, organisation and personnel. The contention of the Deputy Commissioner that the existence of so much capital value might be an alluring bait to the politician could be applied much more potently to the metropolitan manufacturing area in Bengal (Calcutta and its environments). The local Government doubt whether the Deputy Commissioner realised the full implications of the point of view he adopted when he put forward this side of his case.

8. The third line of argument adopted by the Deputy Commissioner is that the existence of such a large number of primitive tribes is a reason for Exclusion or Partial Exclusion. The primitive tribes of the Jalpaiguri district were originally nearly all immigrants from the Chota Nagpur plateau. They were taken in as tea garden labourers by the tea interests and a proportion of them have settled down in the district. The importation of labour into any particular area is in itself no reason for creating special constitutional machinery for the district; nor is the special economic organisation of which the labour forms an essential part. A similar type of argument could be applied to the colliery area of Bengal (the Asansol subdivision of the Burdwan district) and to the Metropolitan Manufacturing area. The new Constitution makes special provision for such cases, for eight seats are reserved for labour. The Government of Bengal have proposed to the Indian Delimitation Committee that of the eight seats one should be allocated to tea garden labourers alternately in the districts of Jalpaiguri and Darjeeling. They are of opinion that this special measure will ultimately be a much more effective safeguard of the interests of the primitive population in the district of Jalpaiguri than either Exclusion or Partial Exclusion.

9. The Government of Bengal also invite attention to the column in the statistical statement which shows how far the primitive peoples in Bengal will enjoy the benefits of reservation of seats under the Poona Pact. Deducting Darjeeling and the Chittagong Hill Tracts, the total population of primitive tribes is 1,352,122 of which 824,471 were declared as Hindus in the 1931 census and 527,651 as belonging to other religions. The Government of Bengal have proposed to the Secretary of State—a proposal which has been accepted—that 76 Hindu castes and primitive tribes should be included in the Scheduled Castes. This list includes all the Hindu

members of the primitive peoples in Jalpaiguri. Accordingly, they will be accorded the benefit of reserved seats under the new Constitution, and on the proposals of the local Government submitted to the Indian Delimitation Committee, the district of Jalpaiguri (to which it is proposed to add the Siliguri subdivision of the Darjeeling district) will have a total of three General seats of which two will be reserved for the Scheduled Castes. The district will also share a Muhammadan seat with neighbouring areas. It is also relevant to point out that, on the local Government's proposals, the district will form an important part of a European constituency, and that the tea interests, which are mainly European, will be adequately represented through the European Commerce and Industry constituencies.

10. On all the criteria given in paragraph 1 above, therefore, the case for the Partial Exclusion of Jalpaiguri falls to the ground. The proportion of the primitive population is too small to justify Partial Exclusion; the extent to which the Scheduled Districts Act has been used, or is likely to be used, does not warrant Partial Exclusion; the people of the district will be adequately represented; and finally, Partial Exclusion would not be fair to the majority of the population. This aspect of the question has received adequate consideration by the local officers; but the local Government regard it as most important. Differential constitutional treatment of the district as compared with other districts (except the Chittagong Hill Tracts and Darjeeling) might make the district liable to adverse treatment by the legislature. This might be particularly the case in respect to the tea garden interests whose motives in seeking special protection might be suspect. The Government of Bengal are convinced that the future of the district can safely be entrusted, without the special protection of Chapter V of Part III of the Act, to the good sense of the new Government.

11. With regard to the appointment of special officers to report on the conditions of primitive peoples in Bengal, the Government of Bengal are of the view that no special measures are necessary in this respect. Under the present Constitution a special officer was appointed in the district of Malda in order to look after the interests of the Santhal population, but it will be seen that neither the District Officer nor the Commissioner considers other measures necessary. The appointment of the Malda special officer was occasioned by special local circumstances, and there is no reason to believe that, if such special circumstances arise in the future, the new Government would not be prepared to take similar action. With regard to other areas, the local Government are of the opinion that the district officers may safely be trusted in the future, as they do now to convey correct and accurate information to the local Government

Statement showing the ratio of primitive tribes to total population by districts and also the population of primitive tribes covered by the Poona Pact.

District.	Total population (All religions).	Population of primitive tribes.			Percentage of primitive tribes to total population of the district.	Population of primitive tribes covered by the Poona Pact.	Percentage of column 7 to—	
		Total.	Hindus.	Others.			Total population (column 2).	Total primitive population (column 3).
1	2	3	4	5	6	7	8	9
Bengal	50,114,002	1,545,888	873,161	672,727	3·1	829,781	1·7	53·7
Burdwan Division	8,647,189	627,881	388,822	239,059	7·2	388,758	4·4	61·9
Burdwan	1,575,699	120,911	82,530	38,381	7·7	82,528	5·2	68·3
Birbhum	947,554	73,950	16,826	57,124	7·8	16,824	1·8	22·8
Bankura	1,111,721	138,757	91,198	47,559	12·5	91,198	8·2	65·7
Midnapore	2,799,093	238,865	152,194	86,671	8·5	152,179	5·4	63·7
Hooghly	1,114,255	50,806	41,893	8,913	4·6	41,848	3·8	82·4
Howrah	1,098,867	4,592	4,181	411	0·4	4,181	0·4	90·9
Calcutta	196,734	3,048	1,579	1,469	2·5	989	0·1	32·4
Presidency Division	8,911,495	97,140	37,807	59,333	1·9	37,495	0·4	38·6
24-Parganas	2,713,874	52,615	16,241	36,374	1·9	15,929	0·6	30·3
Nadia	1,529,632	8,313	7,802	511	0·5	7,802	0·5	93·9
Murshidabad	1,370,677	27,345	9,143	18,202	2·0	9,143	0·7	33·4
Jessore	1,671,164	5,058	4,417	641	0·3	4,417	0·3	87·3
Khulna	1,626,148	3,809	204	3,605	0·2	204	0·01	5·4
Rajshahi Division	10,668,066	590,992	365,547	225,445	5·5	361,686	3·3	61·1
Rajshahi	1,429,018	55,907	37,906	18,001	3·9	37,906	2·7	6 ·8
Dinajpur	1,755,432	165,647	94,188	71,459	9·4	94,178	5·4	56·9

Jalpaiguri	983,857	210,786	146,315	64,471	21·4	144,928	14·7	68·8
Darjeeling	319,635	37,949	15,501	22,358	11·9	13,250	4·1	34·9
Rangpur	2,594,785	15,080	6,142	8,938	0·6	6,013	0·2	39·9
Bogra	1,080,419	13,282	10,947	2,235	1·2	10,947	1·0	83·0
Pabna	1,445,654	5,543	4,707	746	3·8	4,707	0·3	86·5
Malda	1,053,766	86,898	49,661	37,237	8·2	49,661	4·7	57·4
Dacca Division	13,864,104	39,836	39,836	...	0·28	38,834	0·2	97·4
Dacca	3,432,577	1,920	1,920	...	0·1	1,786	0·1	92·6
Mymensingh	5,130,262	37,060	37,060	...	0·7	36,201	0·7	97·7
Faridpur	2,362,215	711	711	...	0·03	711	0·03	100·0
Bakarganj	2,939,050	136	136	...	0·01	136	0·01	100·0
Chittagong Division (excluding Chittagong Hill Tracts).	6,613,492	31,174	6,471	24,703	0·47	2,010	0·03	6·4
Tippera	3,100,735	2,857	2,850	7	0·1	114	...	4·0
Noakhali	1,706,719	80	77	3	0·01	...	...	...
Chittagong	1,797,038	28,237	3,544	24,693	1·6	1,905	0·1	6·7
Chittagong Hill Tracts	212,922	155,817	33,099	122,718	73·2	...	...	...

LETTER FROM THE COMMISSIONER OF THE RAJSHAHI DIVISION TO THE REFORMS COMMISSIONER AND JOINT SECRETARY (EX-OFFICIO) TO THE GOVERNMENT OF BENGAL, No. 2079-J. Rct., DATED CAMP DARJEELING, THE 20TH SEPTEMBER 1935.

I have the honour to refer to your letter No. 1816-20-A.R., dated the 5th August 1935.

In this letter I have been asked to consider two questions in relation to the districts of this division.

(1) Whether it is desirable to classify any districts or any particular areas within any districts as "partially excluded areas" under the special provision of Chapter V, Part III of Government of India Act, 1935, with a view to safeguard the interests of primitive peoples.

(2) The possible need of special officers to keep the Governor informed of the conditions of primitive peoples.

In forming an opinion on these points the criterion enunciated by the Secretary of State is that the special provisions shall be applied only to areas in which primitive peoples preponderate.

According to the instructions given in your letter under reference District Officers in charge of districts where the proportion of primitive people to total population exceeds 5 per cent. have been consulted on the subject. In this division these conditions apply only to the districts of Jalpaiguri, Malda and Dinajpur. The opinions of the District Officers of these districts are forwarded with this letter.

In the case of Dinajpur the primitive peoples are scattered throughout the district while in the case of Malda although the Sonthals, who form the bulk of the primitive peoples in the district, are confined mainly to the Barind area, they do not preponderate even in this area, and I agree with the District Officers that no good case can be made out for recommending that any area in these districts should be classified as "partially excluded."

In Malda there has been appointed a special officer to look after the interests of the Sonthals. He has been doing good work and I hope that it may be possible to retain the services of such an officer under the new constitution.

The case of Jalpaiguri stands on a different footing, and I have little to add to the arguments of the District Officer which have been set forth in the very able letter forwarded herewith in which he recommends that the whole district shall be classified as "partially excluded."

It is true that the proportion of primitive peoples to total population in the whole district is only 21·4 per cent., while in that part of the district to the east of the Teesta River, known as the Dooars, the proportion rises to 40 per cent. But the District Officer justifies his recommendation that the whole district shall be classified as "partially excluded" on the ground that if the eastern portion of the district only be "partially excluded" the effect might be to lesson the general urge to progressive development, while the fact that the

Dooars owes its development to the tea industry, and industry maintained mainly by British capital and organised and managed mainly by Britishers might be used as an argument by unscrupulous persons to embarrass the Government.

The case for regarding the Dooars as an excluded area appears to me to be strong.

Although primitive peoples do not form an actual majority of the population, nevertheless the area in history and in physical characteristics differs from the rest of Bengal. It has a peculiar system of land tenure and until last year when the Village Self-Government Act was extended to two thanas in the area had had no experience in self-governing institutions.

These facts, coupled with the backwardness of the inhabitants in general and the fact that they have hitherto looked to the Deputy Commissioner as their help in all their troubles, form in my opinion a strong argument in favour of classifying this area as "partially excluded."

The Deputy Commissioner would be a suitable officer to keep the Governor informed of the special needs of the area.

LETTER FROM THE DEPUTY COMMISSIONER, JALPAIGURI, TO THE COMMISSIONER OF THE RAJSHAHI DIVISION, No. 788-C., DATED JALPAIGURI, THE 5TH SEPTEMPER 1935.

This letter is a reply to your memorandum No. 232-34-J.R., dated the 8th August 1935.

(1) Lord Zetland is familiar with the physical features and characteristics of the Jalpaiguri district, in particular that portion called the Western Dooars, and with those of the country of Bhutan which lies upon its northern boundary. The area of the district is a little less than 3,000 square miles, of which the Western Dooars comprises two-thirds, and a sufficiently accurate description is to be found in the District Gazetteer. This population reported in 1901 to be 787,380, had increased to 983,357 by 1931, of which 604,234 is in the Dooars (excluding the thana of Patgram).

(2) There are certain distinctive general features, which may be stated shortly before an examination of the proportions of primitive castes and tribes is undertaken. The district is a frontier district. The people of Bhutan although individually not immune from the temptations to crime which a border area offers, are for the present peaceful neighbour. The Western Dooars was annexed from Bhutan after the War of 1864-65 and it cannot be assumed that the people of that country, although now friendly and subsidised, have ceased to look down with regret upon the valuable area of pasture, forest, and arable plain which they lost only seventy years ago.

(3) The district is still to some degree an area for the prospector and the pioneer, the former seeking minerals in the wooded foot hills, the latter trying to win land from forest and jungle to the plough. It

is by no means yet a fully developed and settled tract, although progress has been remarkable in many ways.

(4) As is to be expected in such an area it is distinguished by a system of tenure and settlement different from the rest of Bengal. To the portion west of the Teesta, and in Patgram, the Bengal Tenancy Act applies, but in the Dooars, or two-thirds of the district, the land is settled Ryotwari, and, so far as possible, with actual cultivators holding jotedari rights directly under Government. It will be recalled that "Land Revenue" is a provincial subject under the new Act.

(5) A further point of difference, which again has special reference to the Dooars, is the nature and system of the cultivation. Practically the whole of the northern portion of the district is leased out for the cultivation of tea, except those areas which are Reserved Forest lands directly administered by the Forest Department. The cultivation of tea is a highly specialised form of agriculture, financed largely by outside capital, and conducted with coolie labour, under the supervision and management of a highly organised industry. The rest of the district depends very largely for its prosperity on the prosperity of this industry, and the volume of labour which it employs and it is to the local market that the jotedar looks for the disposal of much of his aman paddy crop, the main, and in some cases the only, paying crop which he harvests. Dependence on local markets is enhanced by the presence of physical barriers such as hill streams and forests which tend to limit, and at some portions of the year prevent, free movement of commodities from East to West.

(6) In the sphere of Local Self-Government the people specially in the Dooars, have had little or none of the training afforded by the Village Self-Government Act, or by elections to local and district boards, and municipalities. The district board is nominated, the Alipur Duars Local Board is nominated, there is but one municipality, Jalpaiguri town, and east of the Teesta union boards are either unknown or have just completed their first elections. Even where union boards have been working for the past five years the standard is low, and success depends entirely on the individuality of the Presidents, rather than the collective wisdom of the Board, and suitable men are exceedingly hard to find. The jotedars look to the Deputy Commissioner for everything, and the tea garden labour to their managers.

(7) Finally the area is one where success in agriculture, and the ultimate well-being of the people, depends to an unusual degree on unceasing vigilance and constant warfare by experts against the anopheles mosquito, requiring a co-ordination of effort, staff, and money, on a scale far outside the scope of local bodies or local efforts.

(8) It is in such an area that we are set the task of defending the unfettered application of an experimental system of representative Government, and to a population which consists to an appreciable extent of aborigines and backward peoples.

(9) To show the composition of the population the following table has been compiled from the 1931 Census Report. It gives figures for the whole district and also for the Western Dooars as a unit of that district.

Locality.	Total population.	Castes and tribes.						Other castes, *vide* Sheet B. I.	Total primitive castes and tribes.
		Rajbansi.	Mongar.	Mech.	Munda.	Oraon.	Santal.		
West of Teesta and Patgram.	379,123	164,894	112	975	1,024	3,682	2,437	...	8,230*
Duars excluding Patgram.	604,234	166,274	8,021	8,535	35,600	123,848	25,422	40,000† (*vide* list annexed).	242,326
Total .	983,357	331,168	9,033	9,510	36,624	127,530	27,859	40,000	250,556

*Tenancy Act applies.
†All district figures, but mostly in Duars.

Related to the whole district the proportion of primitive tribes is 21·4 per cent. Related to the Western Dooars it is 40 per cent. The tea garden coolies, the labour force of the vital industry of the district, is for the greater part composed of Oraons, and Mundas of whom a fair, and possibly increasing, proportion is migratory. In the opinion of those who have spent their lives managing them, they are easily gullible and misled, and incapable of using political foresight in the exercise of the franchise. It will have been realised from paragraph (6) above that apart from the condition of these primitive tribes and backward castes, the level of political and general education among the population as a whole is essentially and unusually backward.

(10) In the latest scheme for the constitution of the Bengal Legislative Assembly the people of this district have an interest in the following seats:—

Seats in the Bengal Legislative Assembly (Reformed) affecting Jalpaiguri District.

Serial No.	Name of constituency.	Extent of constituency.	Population.		Number of members.	Reserved for Scheduled
			Total.	Scheduled castes.		
1	Rajshahi Division Municipal (General).	Municipalities of the Rajshahi Division excluding Darjeeling and Kurseong Municipalities.	121,102	...	1	...
2	Jalpaiguri *cum* Siliguri Rural (General).	Jalpaiguri district and Siliguri subdivision excluding municipal area.	806,841	556,075	3	2
		Deduct—Siliguri . .	...	39,423	...	...
				516,652		
3	Jalpaiguri *cum* Darjeeling (Muhammadan).	Jalpaiguri and Darjeeling districts.	244,342	...	1	...
4	Tea Garden (Labour).	Jalpaiguri district and Darjeeling district (by rotation).	...	...	1*	...
5	Rajshahi Division (European).	Rajshahi Division excluding Darjeeling district.	...	...		...

* Workers in tea garden

(11) There is nothing in the Act to indicate that Exclusion or Partial Exclusion must of necessity entail a redistribution of seats, or the debarring of the people of an area so dealt with from participation

in the affairs of the provincial legislature. On the contrary, the scheme seems to contemplate participation to the maximum practicable degree, with protection against the acts of the legislature should the representation allotted fail to secure their best interests. The difference between Exclusion and Partial Exclusion lies in the manner in which the Governor exercises his functions, and to what extent Partial Exclusion would in practice be effective, when the Governor is acting on the aid and advice of a Council of Ministers, themselves dependent on a majority in the legislature, is a matter of some speculation. I can find no record of the Deputy Commissioner having been consulted previously regarding exclusion, and I am not fully aware of the principles which governed the decision that this district, or any part of it, should not be included in the Sixth Schedule to the Bill. I apprehend, however, that to press for Exclusion at this stage is not practical politics, and that our consideration must be confined to Partial Exclusion, as in the neighbouring district of Darjeeling, where the problems are similar though not identical.

(12) I have not the Debates in Parliament before me and cannot say to what extent a sentimental or academic desire to preserve intact aboriginal or backward tribes of ethnological interest was a factor in securing the "locus penitentiæ" provided by the amended section, but it is to be anticipated that the aim of the administration will be to secure in the greatest, and in an increasing, degree the absorption of such peoples in the general scheme, and the elimination by progressive stages of those units in the body politic which do not, or cannot, conform to the minimum general political standard. If this be so, and if my appreciation of the effect of Partial Exclusion on admission to the franchise be correct, it is difficult on any practical ground to justify inclusion. What these people can learn to effect and bring to pass for their benefit through their representation in the Legislature let them attempt. In so far as they prove to be misguided or ineffective, or in so far as the Legislature is insensible of or irresponsive to their best interests, Partial Exclusion provides them with a second line either of defence or attack in the Governor and his Council. It may be said that they will not progress in the exercise of the franchise so long as there is a buffer between them and the consequences of ignorance, chicanery or folly, but there can be few who would assert that the representation proposed for them is in itself a complete guarantee of their prospects, or that their political development is such that they can safely be left in the initial stages to use to the best effect such representation as they have secured.

(13) The main objection to Partial Exclusion is one very largely of sentiment, and opposition is to be expected from those who feel that a stigma has been placed on the district. Such sentiment cannot be ignored and it demands an examination of what is the minimum area which should be dealt with under Part V of the Act. So far as administrative convenience is concerned the whole district is an obvious unit. On the other hand the Western Dooars itself has already a distinct system of Land Revenue Administration. Moreover, the arguments which have been adduced for differentiation apply with far greater force to the Dooars than to the remainder of the district. There are therefore grounds for saying that it is only the Dooars to

which Partial Exclusion ought to be applied. As against this premise, there is the consideration that such extreme local differentiation may bring its own disadvantages. It is in the Dooars that the tea industry in general, and tea garden labour in particular offers a tempting bait to the political adventurer, or to those who seek to utilise ignorance or racial prejudice to embarrass the existing Government. It is in the Dooars that Government and the raiyat stand in the direct relation of landlord and tenant, and it is there that the prospector and seeker after concessions is likely to find profitable ground for his activities. Liable as it is in any event to be an area of great political importance, Partial Exclusion of that area only may have the effect of focussing political interest upon it with the ready allegation that such treatment is at the behest of foreign capital invested in the tea industry. Again, Partial Exclusion of this area as distinct from the rest of the district might lessen the general urge to progressive development, or the effort to secure full participation in the normal functioning of responsible Government. The bearing of these considerations and the weight which should be attached to them is difficult to assess, but in my view either the greater or the lesser area satisfies the basic conditions laid down by the Secretary of State, even if it be not possible point to an arithmetical preponderance of people definitely classified as primitive or backward. There are in my opinion other and stronger reasons to apply Partial Exclusion to the whole district, or, if that be not possible, at any rate to the Western Dooars.

(14) To conclude this letter. for the length of which I apologise, I refer to paragraph 4 of the memorandum. I consider that the Deputy Commissioner will be in a position to inform the Governor of the needs of the area. His success in doing so will depend on his being kept in the area for sufficiently long periods, and a rapid succession of different officers will militate against the effective discharge of that function. In addition, assuming that Commissioners are retained, there will be a second and more experienced officer, conversant with the affairs both of Darjeeling and of this district. That the services of a special officer prepared to make a lifelong study of these peoples, their languages and customs, would be valuable, I have no doubt, but I am not convinced that such a post is an administrative necessity.

Bhutia	470	1,437	69	1,657	3,633
Bhuya	..	..	..	..	2,187
Ghasi	..	..	..	..	2,378
Garo	..	..	..	..	1,280
Gurung	..	..	..	..	847
Kami	..	..	..	.	4,134
Lapcha	..	..	..	..	511
Limboo	..	..	..	..	1,065
Ma pahari	..	..	..	..	2,735
Murmi	..	..	..	.	1,268
Newar	..	..	..	..	2,254
Mahali	.	..	..	..	7,171
Nagasia	..	..	..	..	1,641
Rajput	..		..	..	6,103
Turi	..	..	..	..	2,561
		Total		..	39,768

LETTER FROM K. C. BASAK, ESQ., I.C.S., DISTRICT OFFICER OF MALDA, TO THE COMMISSIONER OF THE RAJSHAHI DIVISION, No. 764-C., DATED MALDA, THE 3RD SEPTEMBER 1935.

With reference to your memorandum No. 232-34-J. R., dated the 8th August 1935, regarding the determination of areas to be classified as "excluded" and "partially excluded" I have the honour to report as follows:—

2. The total population of primitive tribes in this district is 86,898. This population is almost wholly concentrated in thanas Gazole, Bamangola, Malda, Habibpur and Nachole which are generally known as the Barind area. We have got a special officer for this area to look after the primitive tribes. The area and population of the five thanas are as follows:—

	Area in square miles.	Population.
Gazole	105	57,023
Bamangola	74	30,511
Malda	88	30,584
Habibpur	151	48,969
Nachole	110	29,586
Total	528	206,673

Even if the total population of primitive tribes in this district be treated as wholly concentrated in these five thanas, we have in this area a population of 86,898 of primitive tribes against a total population of 206,673 of all classes. The primitive tribes therefore do not preponderate over the other population in this area. So this area cannot be classified as "partially excluded area," according to the criterion laid down by the Secretary of State. In my opinion however this area is preeminently an area in which the needs of the primitive tribes should be treated as falling within the purview of the Governor's special responsibility for the legitimate interests of minorities under section 52 (1) of the Government of India Act.

3. I think it will be desirable to appoint a selected officer in regard to partially excluded areas for keeping the Government and the Governor fully informed of their needs. The services of such an officer might also be valuable in connection with the needs of isolated bodies of primitive people like those of the Barind area of this district which the Governor may find it necessary to treat as falling within the purview of his special responsibility for the legitimate interests of minorities.

LETTER FROM THE COMMISSIONER OF THE BURDWAN DIVISION, TO THE REFORMS COMMISSIONER AND JOINT SECRETARY TO THE GOVERNMENT OF BENGAL, APPOINTMENT DEPARTMENT, No. 3747-J.G., DATED CHINSURAH, THE 10TH SEPTEMBER 1935.

With reference to your letter No. 1816-20-A. R., of the 5th August 1935, I have the honour to say that I consulted the District Officers

of the districts of this Division except Howrah on the questions raised therein. My opinion is that there is no justification for declaring any part of any district of this Division either "excluded" or "partally excluded" because the population of primitive tribes is either so small or so scattered. The situation of primitive tribes in this Division does not justify the appointment of a special officer but if one is appointed for other areas in the Province that officer should be instructed to attend also to the interests of primitive tribes in this Division. I forward for your information copies of the following letters from the District Magistrates of Midnapore, Bankura and Birbhum and point out that it is not proposed to order any further enquiry in the Bankura District:—

(1) No. 12868-J. G., dated the 31st August 1935, from District Magistrate, Midnapore.

(2) No. 4860-J., dated the 4th September 1935, from District Magistrate, Bankura.

(3) No. 7923-J., dated the 2nd September 1935, from District Magistrate, Birbhum.

LETTER FROM RAI N. C. BOSE BAHADUR, OFFICIATING DISTRICT MAGISTRATE OF BANKURA, TO THE COMMISSIONER OF THE BURDWAN DIVISION, No. 4860-J., DATED BANKURA, THE 4TH SEPTEMBER 1935.

With reference to your memorandum No. 3322-26-J. G., dated the 10th August 1935, forwarding a copy of letter No. 1816-20-A. R., dated the 5th idem, from the Government of Bengal, Appointment Department, I have the honour to state that I have carefully perused the letter together with the memorandum which enunciates the criterion for declaring an area to be particularly excluded. In this district, the aboriginal tribes are scattered all over the thanas and no area seems to exist which might be declared particularly excluded or where special measures would be necessary to safeguard their interest. The need for a special officer to keep the Government informed of their condition nevertheless remains.

2. It cannot be ascertained without detailed enquiry if there is any thana or union where the population of the primitive tribes exceeds 25 per cent. The census figures for any caste or tribe cover the whole district and no information is available from the report about the distribution of castes or tribes in different thanas or unions.

LETTER FROM R. N. GILCHRIST, ESQ., I.E.S., REFORMS OFFICER TO THE GOVERNMENT OF BENGAL, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, REFORMS OFFICE, No. 2606-A. R., DATED CALCUTTA, THE 6TH DECEMBER 1933.

The position of the Chittagong Hill Tracts in the new Constitution.

I am directed to refer to the correspondence resting with Mr. Yeatts' letter No. F. 81/33-R., dated the 9th June 1933, on the

above subject. In the local Government's letter No. 109-A. R.—D., dated the 16th May 1933, it was pointed out that the Government of Bengal have all along held the view that no system of direct representation could at the present stage be devised for the Chittagong Hill Tracts. In Mr. Yeatts' letter it was said that, on the basis of the opinion expressed by the Government of Bengal in their letter No. 5055-A., dated the 29th June 1931, the view had been provisionally adopted by the Government of India and by the Secretary of State that the Chittagong Hill Tracts might be expected to fall within the class of "partially excluded areas." In Mr. Yeatts' letter it was also said that it is anticipated that every endeavour should be made to secure representation in the legislatures of "partially excluded areas."

2. The local Government have again examined the problem of the Chittagong Hill Tracts in consultation with the local officers and also with the three Chiefs of the Tracts. The Chiefs—the Chakma Chief, the Bhomong Chief and the Mong Chief—have submitted a joint memorial asking that the Tracts should be declared an "excluded area," and the local officers, the Deputy Commissioner of the Chittagong Hill Tracts and the Commissioner of the Chittagong Division, are also in favour of total exclusion. The chief grounds put forward for total exclusion are the primitive character and the backwardness of the inhabitants, their relatively simple system of life and government, and the danger of exploitation from outside.

3. The Tracts are a relatively sparsely inhabited area. They cover about 5,000 square miles, and the population, according to the census of 1931, is 212,922, of which the great bulk—155,535—is composed of hill tribes. The district is a mass of hills, ravines and cliffs, covered with dense bamboo, trees and jungles. The hills are steep and difficult of ascent; and, although part of the Tracts is not difficult of access from Bengal, these natural features have combined to keep most of the area in a position of seclusion and to retard the penetration of civilizing influences. Of the total population, 204,226 are completely illiterate. The system of Government is paternal: there are no organs of local self-government. At present the district is scheduled, legislation being effected by regulation.

4. In all material respects the Chittagong Hill Tracts are similar to the areas in Assam which, it is understood, will be classed as "excluded." In view of their primitive character and backwardness, the Government of Bengal would have supported the suggestion that they should be excluded were it not for the fact that the Hill Tracts are not self-supporting financially. On an average, the province is required to contribute from general revenues towards the cost of the administration of the area a sum of about Rs. 2 lakhs a year. The fact that the provincial revenues will be called upon to bear this cost probably for many years makes it desirable that the Tracts should not be totally excluded from the general administrative system of the province. Moreover, unlike the areas which will be excluded in Assam, the Tracts are surrounded by more advanced areas and must eventually be assimilated to the rest of the province. Hence it is desirable that they should be included within the orbit of ministerial

responsibility from the beginning of the Reformed Government, provided this inclusion does not involve representation at the present stage and subject of course to the special responsibilities of the Governor.

5. In their previous correspondence the local Government have repeatedly brought to the notice of the Government of India the fact that it is not possible to devise any system of representation for the Hill Tracts which would not have mischievous results in the present state of development of the inhabitants. The further investigation of the case has confirmed this view, and in repeating their view the local Government desire to impress upon the Government of India that, whatever solution is adopted finally with respect to the classification of the area, it should be made clear that no system of representation can be introduced at present. The local Government would prefer that the area should be classed as "partially excluded"; they see no insuperable difficulty in classifying the area as "partially excluded" and at the same time delaying the introduction of a representative system till such time as the local Government think the state of development of the Tracts justifies it. But if classification as "partially excluded" does of necessity involve representation, then in spite of the obvious difficulty which will follow if the money required for the administration of an "excluded area" is to be found from Provincial funds although the Ministry and the Legislature will have no responsibility in respect thereof, the local Government recommend total exclusion.

LETTER FROM R. N. GILCHRIST, ESQ., I.E.S., REFORMS OFFICER TO THE GOVERNMENT OF BENGAL, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, REFORMS OFFICE, No. 2502-A. R., DATED CALCUTTA, THE 14TH NOVEMBER 1933.

The position of Darjeeling district under the reformed Constitution.

I am directed to forward the enclosed memorial, dated the 8th July 1933, addressed to the members of the Joint Select Committee on the Indian Constitutional Reforms, by Babu Sachchidananda Sanyal and other residents in the Darjeeling district in which the memorialists ask that a General constituency of electors be created for the whole district of Darjeeling. A copy of the memorial has been submitted direct by the memorialists to the Secretary of State and to the Government of India.

2. The Local Government do not propose to comment in detail on the numerous clauses in the memorial but they desire to take this opportunity of giving to the Government of India the conclusions they have reached with regard to the representation of Darjeeling in the reformed legislatures of Bengal. The general policy which the Government of Bengal have followed was fully explained in Mr. Reid's letter No. 14658-A., dated the 11th December 1930, and No. 5055-A., dated the 29th June 1931. In paragraph 23 of their letter No. 343-A.—D., dated the 30th June 1932, in which the Local Government

reviewed the recommendations of the Indian Franchise Committee, it was further stated that the possibility of creating a constituency in the Darjeeling hill area from which a hillman could have a reasonable chance of being returned was being examined.

3. The Local Government have now completed their examination of the case not only in pursuance of the policy mentioned in the previous paragraph, but also in the light of the views of His Majesty's Government as contained in the Communal Award and in the White Paper. As the Government of India are aware, the district of Darjeeling is one of the two areas in Bengal at present administered as "backward tracts," the other being the Chittagong Hill Tracts. Under the White Paper (Appendix III, Part I, paragraph 2), the exclusion from the normal electoral system of certain "backward" areas is contemplated but the relation of such electorally backward areas to the areas to be "excluded" or "partially excluded" for administrative purposes under the proposals set out in paragraphs 106 and 107 of the White Paper is nowhere made clear. The Local Government have assumed that Darjeeling will be a "partially excluded area" but in their view it is not necessary that it should be excluded from the normal electoral system as "backward" and in any case no provision is made by the White Paper or the Communal Award for any special representation of "backward areas" in Bengal.

As regards the Chittagong Hill Tracts, I am to say that the Government of India will be addressed separately because the Local Government are of the view that no system of representation can be devised for it at the present stage and if classification as a "partially excluded" area necessarily involves representation in the Council then the classification must be altered and the area made "excluded". In this connection reference is invited to the Local Government's letter No. 109-A. R.—D., dated the 16th May 1933.

4. The district of Darjeeling has four sub-divisions, *viz.*, Sadar, Kurseong, Kalimpong and Siliguri. Of these three Sadar, Kurseong and Kalimpong are hill areas. Siliguri is on the plains. The total population of the district is 319,635, of which number 239,377 are in the hill subdivisions and 80,258 in Siliguri. The Muslim population is 8,391 in the whole district of which 6,771 are in Siliguri and 1,620 in the hill areas. There is also a number of Europeans and Anglo-Indians in the district, but deducting these and the Muslim population, the total remaining population is Darjeeling district, 309,192; Siliguri, 73,487; and Darjeeling hill areas, 235,705. Of these numbers the hill tribes form the following proportions—Darjeeling district 185,375 of 309,192, Siliguri, 3,581 of 73,487, and Darjeeling less Siliguri 181,794 of 235,705. The problem of representation resolves itself into one of the General population and hill tribes only. The Europeans and Anglo-Indians will vote in their own constituencies, and the Local Government propose to recommend that the Muslims be joined to the Muslim constituency in the neighbouring district of Jalpaiguri.

5. In devising a constituency for the General population of this district, several factors had to be taken into account. The first was

the social composition of the area. The figures quoted in the previous paragraph demonstrate that, if a hillman were to have a reasonable chance of being returned to the legislature, then the constituency would have to be limited to the hill area only. The hillmen preponderate in numbers in the whole district, but a large number of them will not have the vote either because they are not natives of India—the 1931 census shows 59,016 persons in the whole district as having been born in Nepal or because they will not have the requisite property qualifications a big proportion of them being tea garden workers with no property qualifications. The plainsmen also have influence out of proportion to their numbers, especially in the urban areas because many of them are substantial business or professional men. The Local Government, therefore, have decided to recommend that the constituency be confined to the hill area only.

6. Before finally coming to the above conclusion, the Local Government considered alternative methods of securing representation to hillmen, as they recognised that the limiting of the constituency to the hill area only might create some administrative difficulty, as it is not proposed to separate Siliguri from the rest of the Darjeeling district for administrative purposes. One method suggested was that the hill tribes should be "Scheduled" after the manner of the "Scheduled Castes," and that they should be given a seat under the Poona Pact. This was rejected for several reasons. One was that it was ascertained by local enquiry that the hill people strongly objected to being "Scheduled". Another was that this procedure would have required the reopening of the Poona Pact. The quota allocated to Bengal under the Pact was not meant to cover the hill tribes. Moreover the hill tribes in the Darjeeling area though backward in some respects are not of the same type as the "Scheduled Castes" of the plains, and a case could not be made out for taking one of the "Scheduled Castes" seats away and allocating it to them. A third reason was that, while "scheduling" would have guaranteed a seat for hillmen, it would have disenfranchised the rest of the General population, unless another seat could have been found for the area. This other method of giving two seats for the General population (including the hill tribes) of the area was also rejected, because both these seats would have to be taken from the General quota. Under the Communal Award 80 seats have been allocated to the General Communities in Bengal. Of these 30 have been earmarked for the "Scheduled Castes" and two for women, leaving 48 only for General, urban and rural, constituencies. To have allotted two of these seats to Darjeeling would have given a high and very disproportionate weightage to this area in comparison with the rest of the province. All these circumstances being taken into account, the Local Government have decided to recommend that there should be only one General seat. No special qualifications are proposed for candidates. Thus all persons qualified of whatever community will be eligible to vote in the area, and they will be free to nominate any candidates they choose, within the rules applicable to the rest of Bengal.

7. With regard to Siliguri, two problems had to be considered, the first of which was electoral and the second administrative. As already

indicated, the Local Government are in favour of the severance of Siliguri from Darjeeling for electoral purposes; they propose to join it to the neighbouring district of Jalpaiguri. It is not proposed however to alter the existing administrative arrangements. Siliguri will continue to be a subdivision of the Darjeeling district and as such to be part of the "partially excluded area" for which the Governor will have a special responsibility.

8. Another important factor in the creation of a constituency in the Darjeeling district is the qualifications of electors. The qualifications applicable to electors of other constituencies would have been unsuitable for Darjeeling for the reason that there are no chaukidari unions or union boards in the hill areas. Had the qualifications prescribed for Bengal in Appendix V of the White Paper been made applicable, then the franchise would have been confined mainly to the two municipal areas, namely, Darjeeling and Kurseong, and also to plainsmen in these areas. Local enquiries were accordingly conducted with a view to devising qualifications which would give a reasonable chance for a hillman to be returned from the electorate and at the same time yield about the same percentage of voters as in the rest of the province. As a result of these enquiries the Local Government have decided to recommend the following qualifications:—

A person shall be qualified as an elector for the Darjeeling hill area General Constituency who has a place of residence in the Sadar, Kalimpong or Kurseong subdivision of the Darjeeling district and who—

(1) has paid, during and in respect of the previous year, or as the case may be, during and in respect of the Bengali year, preceding that in which the electoral roll for the time being under preparation is first published under these rules,—

(*a*) road and public works cesses under the Cess Act, 1880, of not less than annas eight, or

(*b*) rent—

(i) of not less than rupees two for any land or of not less than rupees twenty for any hired building, if such land or building is situated in a rural area, or

(ii) of not less than rupees twenty for any land or hired building, if such land or building is situated in an urban area, or

(*c*) municipal taxes or fees of not less annas eight, or

(*d*) any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, or

(2) was in the previous year assessed to income-tax, or

(3) before the electoral roll for the time being under preparation is first published has passed—

(*a*) the Entrance or Matriculation Examination of the Calcutta University, or

(*b*) the High School Examination or High Madrasah Examination of the Board of Intermediate and Secondary Education, Dacca, or

(*c*) the School Final Examination, Science Side, conducted by the School Final Examination Board, Science Side, or

(*d*) the Cambridge Junior Examination under European School Code, or

(*e*) the Higher Grade School's Final Examination under the European School Code, or

(*f*) the Title Examination conducted by the Calcutta Sanskrit Association (or Calcutta Sanskrit Board as it was previously called), or

(*g*) the Title Examination conducted by the E. B. Saraswat Samaj, Dacca, or

(*h*) the Fazil Examination conducted by the Board of Central Madrasah Examinations, or

(*i*) the Final Examination of the First Grade Training or Normal Schools in Bengal, or

(*j*) the Final Examination of the Government School of Art, or

(*k*) any examination accepted by the Local Government as equivalent to the Matriculation standard, or

(4) is a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular forces, or

(5) is the senior wife or widow of a person who—

(i) has paid, during and in respect of the previous year, or as the case may be, during and in respect of the Bengali year, preceding that in which the electoral roll for the time being under preparation is first published under these rules,—

(*a*) road and public work cesses under the Cess Act, 1880, of not less than rupee one, or

(*b*) rent—

(x) of not less than rupees six for any land or of not less than Rs. 60 for any hired building, if such land or building is situated in a rural area, or

(y) of not less than rupees sixty for any land or hired building, if such land or hired building is situated in an urban area, or

(*c*) municipal or cantonment taxes of not less than Rs. 1·8, or

(ii) was in the previous year assessed to income-tax.

It is anticipated that the above qualifications will yield an electorate of about 14 or 15 per cent. of the population, calculated on the population less tea garden workers. It is proposed to enfranchise tea garden workers, in the whole district alternately with the similar

workers in the Jalpaiguri district in a labour constituency but any tea garden workers who may happen to be qualified to vote in the General constituency will be included also in the roll of that constituency. It has to be added that the qualifications for the rest of Bengal will be suitable for Siliguri.

9. As regards the representation of Darjeeling in the Provincial Upper House and the Federal Lower House, the Local Government do not consider it necessary to devise any special qualifications as it would not be practicable to earmark any seat for the representation of hillmen in either of these chambers.

10. The conclusions of the Local Government have been reached after exhaustive enquiry into local conditions and after careful consideration of every interest involved. The enclosed memorial, which is supported mainly by plainsmen temporarily or permanently resident in Darjeeling, shows a certain sense of disquietude arising possibly from the growing communal self-consciousness of the hillmen. The plainsmen, however, will be able to exercise full civic rights under the proposals of the Local Government. These proposals are admittedly so framed as to give a reasonable bias in favour of hillmen. Such a bias is considered inevitable under the circumstances, and the Local Government find it difficult to believe that a decision so to frame an electorate as to give a hillman a reasonable chance though by no means a certainty of representing Darjeeling in the legislature can be a genuine grievance amongst the other members of the General community. Every point raised by the memorialists has been carefully considered by the Local Government, but they see no reason to revise the conclusions given in this letter.

LETTER FROM R. N. GILCHRIST, ESQ., I.E.S., REFORMS OFFICER TO THE GOVERNMENT OF BENGAL, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, REFORMS OFFICE, No. 109-A. R.—D., DATED DARJEELING, THE 16TH MAY 1933.

Position of the Chittagong Hill Tracts under the new constitution.

I am directed to inform you that in connection with the examination of the proposals in the White Paper a question has arisen regarding the meaning of the term "backward area" employed in Appendix III and its relation to the terms "excluded areas" and "partially excluded areas" which are found in paragraph 73 of the White Paper and elsewhere. Under paragraph 73 of the White Paper the administration of "excluded areas" is entrusted to the Governor whereas under that paragraph and paragraph 70 (*f*) the administration of "partially excluded areas" is one of the special responsibilities but nowhere, so far as the Government of Bengal have been able to discover, is it laid down what "backward area" is, for the purpose of Appendix III. This question is especially important in connection with the treatment of Darjeeling district and the Chittagong Hill Tracts in this province.

2. From the table annexed to Appendix III it appears that there is no provision for representatives in the Bengal Council from backward areas and from paragraph 2, Part I of Appendix III, it appears that the whole area of the province "apart from any portions which may in special cases be excluded from the electoral area as backward" is to be divided up into separate communal electorates. As no provision is made in the table for any representatives being returned from backward areas in Bengal, it would seem to follow that Darjeeling and the Chittagong Hill Tracts, which form a part of the Province of Bengal, must be included in the area which is to be divided up into separate communal electorates, or in other words that both these areas are to return representatives to the Bengal Council in accordance with the system in force in the remainder of the province.

3. If this conclusion is correct, then it is totally opposed to the views held all along by the Government of Bengal so far as the Chittagong Hill Tracts are concerned. In paragraph 30 of Mr. Hopkyns' letter No. 219A. C., dated the 15th August 1930, the Government of Bengal proposed that the area of the Chittagong Hill Tracts should continue to be administered in the same manner as at present, *mutatis mutandis*. In their letter No. 1465-A.R., dated the 11th December 1930, the Government of Bengal discussed the position of Darjeeling under the Reforms Scheme and adhered to the view that it was no longer necessary to treat that district as a backward tract, but in paragraph 7 of the letter they discussed the safeguards that were necessary in the interests of the hill people. The proposals in that paragraph were referred to in the Bengal Government's letter No. 5055A., dated the 29th June 1931, which was a reply to Mr. Lewis' letter No. F.-71/31-Reforms, dated the 2nd June 1931, which dealt with the treatment to be accorded to "backward tracts" in the new constitution, but no specific recommendation was made in that letter regarding the representation in the Provincial Council, of the two areas declared as such by Notification No. 2 G., dated 3rd January 1921, *viz.*, Darjeeling and the Chittagong Hill Tracts, the view taken being, as stated in the last sentence of the letter, that there were so many unknown factors in the problem of the treatment of the "backward tracts" that it was impossible to be very definite in the opinions expressed. It appears, however, from the correspondence which was sent to the Government of Bengal on the 10th August 1932 that in paragraph 8 of their letter No. 16 F.-71/31-R., dated the 12th May 1932, the Government of India stated that "no serious difficulty seems to be anticipated in securing their representation in the Legislatures" of certain areas which included the areas now declared as backward tracts in Bengal. Apparently, therefore, the Government of India had come to the conclusion that there would be no serious difficulty in securing the representation of the Chittagong Hill Tracts and of Darjeeling in the Legislatures, but unfortunately, the basis of that opinion is not stated. So far as the Chittagong Hill Tracts are concerned, that conclusion is entirely opposed to the opinion which was expressed by the Government of Bengal in paragraph 23 of their letter No. 543-A.—D., dated the 30th June 1932, that no system of representation

could be devised for the Chittagong Hill Tracts and which had been acted on by the Government of Bengal throughout all their investigations regarding the size of the electorate and the distribution of seats in Bengal. No figure had been prepared for the Chittagong Hill Tracts nor has it been taken into account in any of the discussions.

4. I would request, therefore, that the Government of Bengal may be informed at a very early date whether under the proposals embodied in the White Paper the Chittagong Hill Tracts are to be an "excluded" or "a partially excluded" area, and whether it is intended that the inhabitants of that area are to take their share from the first in returning representatives to the new provincial legislature, in spite of the views put forward repeatedly by the Government of Bengal. In case there is any doubt in the minds of the Government of India whether the area is one from which representative should be returned I am to explain that in the opinion of the Government of Bengal no system of representation can be devised which is suitable to the present circumstances of the area and that therefore the Chittagong Hill Tracts ought for the time being to be excluded from the normal electoral system and have representation withheld altogether. If the Government of India count on that area being represented, it would seem necessary that the table annexed to Appendix III should be modified and provision made for the Chittagong Hill Tracts returning a representative as from a "backward area" whatever that term may be intended to connote.

5. As regards Darjeeling the position is different, and the different constituencies are being so delimited as to enable Darjeeling to be represented in the legislature. It may possibly be necessary to address the Government of India later regarding the representation of the hillmen in that district but that will form the subject of a separate letter.

LETTER FROM R. N. REID, ESQ., C.I.E., I.C.S., OFFICIATING CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, TO THE JOINT SECRETARY TO THE GOVERNMENT OF INDIA, REFORMS OFFICE, No. 5055-A., DATED CALCUTTA, THE 29TH JUNE 1931.

With reference to your letter No. F.-71/31, dated the 2nd June 1931, on the subject of the treatment to be accorded to backward tracts in the new constitution, I am directed to reply that this question has been considered by both sides of the Government of Bengal, and the conclusion they have come to is as follows: They are agreed that under the constitution as outlined in the Prime Minister's speech, provided of course that the future sittings of the Round Table Conference do not result in considerable change in the structure of the constitution, the backward tracts of this province must come under the control of a popular Executive, and that no exceptional treatment can be devised for them. If indeed any real safeguards, which are consonant with provincial autonomy, can be devised for minorities, then similar safeguards can be applied to the

backward tracts. Otherwise reliance must be placed on the political sense of the Government of the day, combined with such influence as the Governor can bring to bear on them. Until, though the constitution is formed, it is impossible to forecast what powers the Governor will have yet, assuming that he is to have power to frame rules of business and to distribute portfolios and that the Scheduled Districts Act continues in being, the Government of Bengal are unable to see why, given a reasonable provincial Ministry, some system similar to that suggested in paragraph 7 of this Government letter No. 14658A., dated the 11th December 1930, should not be applied to the administration of the backward tracts in Bengal. There are, however, so many unknown factors in the problem that it is impossible to go beyond this expression of opinion at present.

LETTER FROM R. N. REID, ESQ., C.I.E., I.C.S., OFFICIATING CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, REFORMS OFFICE, No. 14658-A., DATED CALCUTTA, THE 11TH DECEMBER 1930.

Position of the Darjeeling district under the Reforms Scheme.

In continuation of my letter No. 13310-A., dated the 3rd November 1930, I am directed to address the Government of India on the recommendations made by the Indian Statutory Commission, in part III, Chapter 2, volume II, of their report, with special reference to the district of Darjeeling. The Commission asked that the case of this district should be specially considered as the evidence given before them concerning this area was conflicting, and they thought it desirable that the question whether it should continue to be in any degree excluded from the normal constitutional arrangements of Bengal should be further examined in the light of the developments which they proposed for the provinces.

2. When this Government recommended in 1918 the exclusion of Darjeeling from the jurisdiction of the reformed Government the special circumstances justifying this conclusion were stated in paragraph 5 of its letter No. 6156-A., dated the 15th November 1918. The population of the district had no affinity with Bengal, and even if they were represented on the new Legislative Council they would be absolutely swamped, and its strategic position as a frontier district alone would justify special treatment. This was fortified by the fact that the local officers, the leading associations and the hillmen themselves were unanimous in recommending exclusion, while a deputation representative of all the hill races in the district which waited on the then Viceroy and Secretary of State urged that they should not be considered as part of Bengal in any scheme of local self-government that might be adopted. The Government of India, however, in addressing their Despatch No. 9, dated the 5th June 1919, to the

Secretary of State on the subject of the treatment of backward tracts did not entirely accept this recommendation, though they admitted that the case for exclusion was strengthened by the expressed desire of the hillmen themselves. They suggested the possibility of applying a scheme of partial exclusion such as they had proposed in the case of Chota Nagpur. The case was referred for further consideration to the Local Government, the Government of India stating in their letter No. 187-G., dated the 3rd February 1920, that they were adverse to the exclusion of any tract unless very strong reasons could be adduced. In replying this Government observed in its letter No. 609-A. R., dated the 10th March 1920, that there was no *via media* between inclusion and exclusion, that the proposed compromise could not be expected to work, and their final view was that they preferred to adhere to the original proposal for exclusion.

Shortly after the despatch of the Local Government's reply, a meeting was held in Darjeeling attended by members of the Darjeeling Planters' Association, the European Association, and the Hillmen's Association and it was resolved that Darjeeling should be excluded from the Reforms Scheme and that a form of self-government similar to that granted to India proper should be introduced at an early date.

The Government of India finally recommended the total exclusion of Darjeeling and this was accepted, if reluctantly, by the Secretary of State, who expressed a hope that some advance would be made along the lines of a scheme of local self-government. By notification No. 2-G., dated the 3rd January 1921, Darjeeling was declared to be a "backward tract" and the exceptions and modifications with which the Government of India Act would apply were stated. By notification No. 3667-L.R., dated the 30th March 1922, the provisions of the Local Self-Government Act were applied to the district; by notification No. 3668-L. R., of the same date, a District Board was established; and by notification No. 3669-L.R., a local board was established in each subdivision.

3. It is necessary now to consider how far present conditions differ from those of 10 years ago, how far opinion has become modified on the subject, and what recommendations it is desirable to make in the light of the experience of the past. As regards the opinion of those interested, I am to submit copies of the views of the local associations, namely, the Darjeeling Planters' Association, the Terai Planters' Association, the Buddhist Association and the Hillmen's Association. Though it has been difficult accurately to estimate the correct value to be placed on the various views expressed, it is clear that there is not the unanimous opinion in favour of exclusion that manifested itself in 1920. The exponents of exclusion reiterate the previous arguments that no benefit would accrue to the hillmen from inclusion, that they would be swamped in the Legislative Council, that they have nothing in common with the people of the plains and that they are not sufficiently educated to derive benefit from inclusion. There is evidently, however, a considerable body of opinion that favours inclusion, with safeguards, meaning preferential treatment for hillmen in the way of appointments, and so on. The Hillmen's

Association indeed take the attitude that they wanted inclusion in the fullest sense, thereby differing completely from the attitude they took up in 1920, and this seems to be the attitude generally of the educated portion of the residents of the district, whether actually hillmen or domiciled members of other communities. It is reported, however, that there is a minority of hillmen who are opposed to the policy of inclusion and would prefer the district to be placed under the Government of India. The fact is, perhaps, that every one concerned is groping in the dark, and feeling great difficulty in visualising what are going to be the future constitutional arrangements in Bengal or anywhere else.

4. The Hon'ble Member of Government in charge of this subject held a conference about the end of October in Darjeeling which was attended by representatives of all classes and communities. It was found that the Planters' Association wanted the district to be excluded in the same sense as it was now excluded and that if this was not possible under the new constitution they would advocate its exclusion and its treatment on the same lines as Delhi. The representative of the Indian Christians supported exclusion but desired personal administration by the Viceroy through a Resident, the Viceroy to have complete autocratic powers. The Buddhists wanted inclusion in Bengal with safeguards but if they could not get what they wanted from Bengal, they would like to try being under the Government of India. On the other hand, the representative of the Hillmen's Association and of the domiciled communities in Darjeeling as well as the jotedars of Siliguri were for the inclusion of the district in Bengal without any safeguards, while the representative of the All-India Buddhist Conference desired inclusion if the Government of India did not constitute the district as a separate unit of administration under the Central Government with a local Council. The general impression left by the conference was that if the district were given representation on some legislative body and if better provisions were made for higher education, there would not be much objection to an administration somewhat on the same lines as at present, responsibility for the administration of the district remaining with the Governor and his advisers instead of with Ministers responsible to the Legislative Council. It is necessary, however, not to lose sight of the fact that if the proposals of the Simon Commission are adopted, administration on the present lines is out of the question.

5. The alternatives put forward in the Simon Commission's report are (i) constitutional amalgamation with the rest of the province, and (ii) exclusion from Bengal and the placing of the district under the administrative authority and control of the Government of India, the Governor of Bengal acting as its agent. To take the second alternative first, though in paragraph 144 of the Report it is proposed that 11 members of the Federal Assembly should be nominated to represent the backward tracts, the Governor in Council does not consider that the claims of the district for special treatment would stand much chance of being favourably considered in that Assembly. Secondly Darjeeling has always been an integral part of Bengal, the whole administrative machine is linked up with that of

Bengal, officers are interchangeable and the local problems are familiar to the Secretariat. From an administrative point of view therefore the difficulties of exclusion are enormous unless the staff required for the district were found as at present from Bengal, and if this were done, it is difficult to see the advantage in excluding the district. There is the other difficulty that Darjeeling is the summer capital of the Government of Bengal and it would be inconvenient for this Government to have its capital in an area over which it had no ultimate control. In addition there are the difficulties connected with the properties like the cinchona plantations or institutions like the European schools which are situated in the district but which really are the concern of the whole province. The Governor in Council considers that the interest of the European schools of the province will receive much more consideration in the hands of the Legislative Council in which the local European and Anglo-Indian interests are largely represented than in the Federal Assembly where the claims of these schools will have to compete with those of other parts of India. As regards the cinchona plantations, Government adhere to its view that it is impossible to hand those over to the Government of India and any scheme for the exclusion of Darjeeling from Bengal must take into account the importance of these plantations to the general health of Bengal, and leave them within Bengal.

6. It remains to consider the first alternative, *i.e.*, that the district should be included within the normal constitutional arrangements of Bengal. It is clear that when in 1920, the Secretary of State for India evinced considerable hesitation in agreeing to the inauguration of the present system, what weighed with him was the attitude of the Hillmen's Association. There has always been some doubt whether the Hillmen's Association really represents the views of the average hillmen as opposed to the educated minority but be that as it may, the views of the association have now changed and the people who were then advocating exclusion are now in favour of the district being treated exactly as any other district in Bengal The Governor in Council does not think that the dangers apprehended from inclusion by the Planters' Association are real. On the other hand, the advantages to be gained from inclusion are considerable. The educated portion of the local community resent being treated differently from the educated community in other parts of Bengal and they consider that their interests have not been duly considered owing to the fact that they were unable to raise questions concerning them in the Legislative Council and that during the period of administration by the Governor in Council, sufficient progress has not been made in providing them with facilities for higher education. They hope that if the district be given representation in the Local Council, they would stand a chance of having these needs attended to. This feeling is not confined to the educated community alone but the views are shared by other sections, such as the considerable body of retired soldiers, also.

7. The Government of Bengal, therefore, after full consideration adhere to the view expressed in Mr. Hopkyn's letter No. 112-A.R.,

dated the 25th January 1929, to the Indian Statutory Commission that it is no longer necessary to treat the district as a backward tract. They feel, however, that safeguards are necessary in the interests of the great bulk of the hill people. It is open to doubt whether the educated members of the Hillmen's Association really represent the views of the great majority of hillmen save in so far as they press for greater educational facilities, and His Excellency in Council is of opinion that the future administration ought to contain some features of somewhat paternal nature. He considers that in the exercise of the power conferred upon him under section 49 (2) of the Government of India Act the Governor should make a rule that no order involving a change in the existing system of internal administration of the district should issue without his previous concurrence. The Government of Bengal would further propose that the Scheduled Districts Act, 1874, should continue to apply to Darjeeling. These two provisions will ensure that no legislation or new administrative measure can be extended to the district without the personal approval of the Governor who under Article 7(2) of the Instrument of Intructions is specially required and charged to look after the interests of those classes who require special protection from any cause. It will also be open to the Governor in distributing the portfolios among his Ministers to decide whether matters relating to the Darjeeling district should be dealt with as at present by one department of Government or shall be dealt with in the ordinary manner by all departments.

FROM H. R. WILKINSON, ESQ., I.C.S., OFFICIATING CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL, TO THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT, No. 6156-A., DATED CALCUTTA, THE 15TH NOVEMBER 1918.

I am directed to refer to your telegram No. 1324-Public, dated the 3rd September 1918, enquiring what areas in this Presidency the Governor in Council would recommend for the special treatment indicated in paragraph 199 of the Report on Indian Constitutional Reforms.

2. The Report contemplates the exclusion from the jurisdiction of the reformed Provincial Governments and the direct administration by the Head of the Province of backward tracts, where the people are primitive and there is as yet no material on which to found political institutions, and it is suggested that these tracts will generally correspond with the areas mentioned in the schedules and appendices to the Scheduled Districts Act, 1874.

3. There are three districts in this Presidency which appear in these schedules and appendices, the Chittagong Hill Tracts, Darjeeling and Jalpaiguri. Of these, the Hill Tracts are included in Appendix B to the Act and its laws, therefore, are framed, not by the Legislative Council, but by the regulations of the Governor-General in Council under section 71 of the Government of India Act, 1915. The

district is in fact already excluded from the purview of the Bengal Legislative Council; it is expressly excluded from the landholders and Muhammadan electorates, and as it has no District Board or Municipality it has no representative of any kind on the Council. The people are primitive, and there can be no doubt that the Hill Tracts should be accorded special treatment.

4. With regard to Darjeeling and Jalpaiguri the position is somewhat different: they are included in Appendix I to the Scheduled Districts Act, and so are governed, not by regulations, as in the case of Hill Tracts, but by the ordinary law, subject to the provisions of the Scheduled Districts Act. They have, it is true, special rent and revenue laws, and in Darjeeling executive officers perform the duties of civil courts, but, so far as the general law is concerned, they do not differ very much from the rest of the Presidency. Moreover they are already represented in the existing Legislative Council; they elect a member to represent the tea planting community in the two districts, and they are included in the landholders, Muhammadan and municipal electorates of the Rajshahi Division, while Jalpaiguri, in conjunction with the other districts, returns a member for the District Boards in the division.

5. These districts, therefore, do not answer the description of backward tracts as given in paragraph 199 of the report. At the same time there are special circumstances justifying the exclusion of Darjeeling from the reform scheme. Being almost entirely a hill district, its population have no affinity whatever with Bengal, and even if they were represented in the new Legislative Council, they would be absolutely swamped. Moreover Darjeeling is a frontier district, abutting on Sikkim and Bhutan, and the main road from Bengal to Tibet passes through the district, so that its strategic position alone would justify special treatment. The local officers, the leading associations and the hillmen themselves are unanimous in recommending the exclusion of the district from the scheme. It was explained to the tea planting community that this would involve the loss of their seat in the Legislative Council, but they consider that this would be more than compensated for by the advantages of separate treatment; and it will be recollected that the deputation, representative of all the hill races resident in the district, which waited upon the Viceroy and the Secretary of State in the course of their enquiry, urged that they should not be considered as part of Bengal in any scheme of self-government that might be adopted. A copy of their memorial is forwarded herewith for ready reference. The Governor in Council, therefore, has no hesitation in recommending that Darjeeling also should be excluded from the jurisdiction of the reformed Government.

6. The position of Jalpaiguri is different again. The district consists of two well-defined parts, the area west of the Teesta, permanently settled and originally part of the neighbouring district of Rangpur, and the eastern portion which belonged to Bhutan until 1865, when it was annexed by the British Government. About two-thirds of this latter area is under reserved forest or tea cultivation

and the system of land tenure is different from that prevailing anywhere else in the province. Opinions as to the treatment of these areas differ: the Planters' Association would exclude, and the Jalpaiguri Municipality and Anjuman Islamia include, the whole district in the scheme, whereas the Deputy Commissioner and the District Board urge special treatment for the part east of the river Teesta and for two thanas on the west of it, where the population is scanty and backward and a large area is under forest.

7. There would appear to be no particular justification for according special treatment to the permanently-settled area, west of the Teesta, especially as there is practically no difference between the conditions prevailing there and those in the neighbouring districts, about whose inclusion there can be no question. It remains, therefore, to consider only the tract east of the Teesta. The arguments put forward in favour of according special treatment to this area are that nearly the whole of it is covered by reserved forest and tea gardens or is a khas managed Government estate: the majority of the population consists of hill and aboriginal tea coolies and illiterate Rajbansis and Meches, and the north-east boundary of the district marches with Bhutan, The tract covers an area of 1,957 square miles, and has a population of just over a million, but only 41,000 are hillmen, so that it has no great affinity with Darjeeling. It is true that over 167,000 are aboriginals but these are mostly immigrants who have come to work on tea gardens, and as it will be very many years before persons of this class have any voice in the working of the reformed Government, wherever they may be, His Excellency in Council does not consider that their existence alone warrants the exclusion of the district. Of the remaining three-fifths of the population the great majority are Rajbansis and Muhammadans. The Rajbansis are not indeed pure Bengalees, and a great many of the Muhammadans are converted Rajbansis, but as the same conditions prevail in the adjacent districts, this cannot be accepted as a conclusive argument.

That the district borders on Bhutan is of importance if the Government of India contemplate reserving a tract along the northern or north-eastern frontier, and on this point the Local Government have no information, but otherwise it is unnecessary to attach much weight to this consideration as if there were serious trouble at any time with Bhutan this area would have to be occupied by a military force, whatever the form of civil government might happen to be.

8. His Excellency in Council is inclined to think that the balance of argument is in favour of including the whole of the Jalpaiguri district within the scope of the Reforms Scheme. The eastern area is too small to form a separate district by itself, and its position precludes it from being conveniently joined on to Darjeeling, which is the only alternative if it is to be accorded special treatment. The peculiar conditions of its population and land tenures do not constitute an insuperable obstacle to its coming under the reformed Provincial Government; and it is a flourishing and rapidly developing tract, associated with many matters of general importance to the

province, unlike Darjeeling which, from its position in the hills and the nature of its population, must always remain set apart from the main Presidency of Bengal.

9. There are indeed other backward areas, for which exclusion might be urged such as the aboriginals in the Burdwan Division, for whom special provision has already been made in the Bengal Tenancy Act, 1918; but the difficulty is that they do not occupy a compact area and it would thus be impossible to provide satisfactorily for them.

10. The Governor in Council would therefore recommend as suitable for special treatment the districts of Darjeeling and Chittagong Hill Tracts only, but it has been impossible, in the time allowed, to examine the matter fully as might have been wished and the proposals must be regarded as provisional pending further examination of the nature of the treatment which will be accorded to the excluded tracts.

LETTER FROM THE GOVERNMENT OF BENGAL TO THE GOVERNMENT OF INDIA, NO. 3966-A. R., DATED THE 6TH NOVEMBER 1935.

I am directed to forward herewith copies of reports of the following District Officers:—

(1) Letter No. 7923-J., dated the 2nd September 1935, from the District Officer of Birbhum,

(2) Letter No. 12868-J. G., dated the 31st August 1935, from the District Officer of Midnapore,

(3) Letter No. 785-G., dated the 7th September 1935, from the District Officer of Dinajpur.

For the reasons explained in the last sentence of paragraph 3 of the memorandum on Excluded and Partially Excluded areas in Bengal forwarded with my letter No. 2029-A. R. D., dated the 17th October 1935, the Commissioners of Divisions did not think it necessary to consult the District Officers of Burdwan, 24-Parganas, Mymensingh and Chittagong. Reports from these District Officers are not therefore available.

LETTER FROM THE DISTRICT MAGISTRATE, BIRBHUM, NO. 7923-J., DATED THE 2ND SEPTEMBER 1935, TO THE COMMISSIONER OF THE BURDWAN DIVISION, CHINSURAH.

With reference to your memo. No. 3322-26-J. G., dated the 10th August 1935, forwarding a copy of the Government of Bengal, Appointment Department letter No. 1816-20-A. R., dated the 5th August 1935, regarding the application of the special provision of Chapter V, Part III, of the Government of India Act, 1935, I have the honour to state that in none of the thanas in this district does the number of primitive tribes (mainly Santhals) exceed 25 p. c. of the population. A statement of such population thana by thana is enclosed herewith. On enquiry I find that only in the 6 marginally noted Union Boards of the Rampurhat Sub-Division out of a total of 174 Unions in the district, does the population of the primitive tribes exceed 25 p. c. The questions under discussion are.—

1. Rajeram 2. Mahurapur 3. Banior	Murarai P. S.
4. Haridaspur	Nalhati P. S.
5. Masra 6. Kusumba	Rampurhat P. S.

(1) If special measures are necessary for safeguarding the interests of the primitive peoples—mainly Santhals in this district, and

(2) If there is any possible need of special officer to keep the Governor informed of the conditions of such people.

It appears from column 6 of the statistical statement enclosed with your memo. that the proportion of the primitive tribe population to the total population of this district is only 7·8 p. c. In none of the thanas the primitive population exceeds 25 p. c. and there is therefore no justification for declaring any of the areas in this district as "Excluded" or "partially excluded" under Section 91 of the Government of India Act.

The question is whether there is such a preponderance of aborigines or very backward people in any part of the district (*e.g.*, in the 6 Union Boards of Rampurhat Sub-Division) as to necessitate the application of special legislation and the appointment of a special officer under Chapter V of Part III of the Act and they invite the special powers of the Governor under Section 52 (*b*) of the Act. The area in which such population exceeds 25 per cent. of the total population is too small and scattered to call for any special legislation. In fact I am of opinion that the interests of such primitive peoples in this district can best be looked after by the administrative heads of the district (the District Magistrate and the Sub-Divisional Officers) and there are no grounds or circumstances which may call for the application of the special provision of Chapter V, Part III of the Act, or for the appointment of any special officer. I may add that it is not possible to ascertain the actual population of primitive tribes and the number covered by the Poona Pact in this short space of time and no such figures are available in the census reports in our office.

LETTER FROM THE DISTRICT MAGISTRATE, MIDNAPORE, NO. 12868-J. G., DATED THE 31ST AUGUST 1935, TO THE COMMISSIONER OF THE BURDWAN DIVISION.

With reference to your Memo. No. 3322-26-J. G., dated the 10th August 1935, asking for my opinion upon Reforms Commissioner's letter No. 1816-20-A. R., dated the 5th August 1935, whether there is any area in this district, which should be treated as "excluded" or "partially excluded" area within the meaning of the criterion laid down by the Secretary of State in paras. 3 and 4 of his Memorandum on the subject, I have the honour to state that the percentage of primitive tribes to total population of the district is only 8·5 and therefore *prima facie* not calling for any special treatment of the people of this district. It will appear from the statement appended to the Reforms Commissioner's letter that out of total primitive people of this district 238,865, as many as 152,179 are covered by the Poona Pact and only 86,671 are not represented, *i.e.*, 33·6 per cent. of the whole.

2. Figures have been collected of all thanas to show its proportion of tribal population to the whole and it appears that only in Nayagram Thana of the Jhargram Sub-Division, the percentage is above 25 per cent. being 33 per cent. The primitive people otherwise are far too scattered to permit of special treatment. The question is if Nayagram Thana should be treated as "partially excluded". After due consideration, I am of opinion that it will not be administratively convenient to treat this thana only as "partially excluded".

LETTER FROM THE DISTRICT OFFICER OF DINAJPUR, No. 785-G., DATED THE 7TH SEPTEMBER 1935, TO THE COMMISSIONER OF THE RAJSHAHI DIVISION.

I have the honour to refer to your Memo. No. 232-34-J. R., dated 8th August, 1935, calling for an expression of my opinion on paras. 3 and 4 of the memorandum enclosed with Government letter No. 1816-20-A. R., dated 5th August 1935, relating to the question of the classification of certain areas as "excluded" and "partially excluded" areas under Chapter V, Part III of the Government of India Act, 1935, and to give below a table showing the population of the different primitive tribes to be found in this district by their religions:—

	Hindu.		Tribal.		Christian.		Total.
	Male.	Female.	Male.	Female.	Male.	Female.	
Agaria . . .	...	9	6	4	...	...	19
Garo . . .	2	...	...	...	...	...	2
Kaur . . .	44	92	...	...	...	...	136
Koda . . .	964	871	13	13	...	...	1,861
Munda . . .	2,159	2,436	1,914	1,714	493	477	9,193
Oraon . . .	2,609	2,600	6,512	6,839	16	21	18,687
Santhal . . .	39,782	37,903	24,059	24,228	1,906	1,850	130,328
Turi . . .	2,402	2,305	350	384	...	...	5,441
Covered by Poona Pact	47,962	46,216	33,524	33,182	2,415	2,348	165,647

2. These tribes are found scattered all over the district and roughly form 18, 9 and 2½ per cent. of the total population of the Balurghat, Sadar and Thakurgaon Sub-Divisions respectively. It is only in Balurghat and Bansihari thanas (Sadar Sub-Division) that they are more numerous than 20 per cent. of the total population.

3. As stated in paragraph 4 of Mr. Gilchrist's letter the Hindu members of these tribes will be covered by the Poona Pact. The others (animists and Christians) form 3, 8 and less than one per cent. of the total population of the Sadar, Balurghat and Thakurgaon Sub-Divisions. They are most numerous in the Bansihari thana of the Sadar Sub-Division and Gangarampur thana of the Balurghat Sub-Division where they form about 20 and 15 per cent. respectively of the total population.

4. In my opinion the percentages mentioned above do not justify the classification of any part of this district as a "partially excluded area" within the purview of Section 92 of the Government of India Act.

LETTER FROM THE GOVERNMENT OF THE UNITED PROVINCES, TO THE GOVERNMENT OF INDIA, NO. 1877-R., DATED THE 30TH NOVEMBER 1935.

Please refer to the correspondence regarding 'partially excluded' areas in the United Provinces.

2. The United Provinces Government have examined the question in the light of the considerations mentioned in paragraph three of the demi-official letter from India Office, No. P. & J. (C) 5420, dated June 7, 1935, received with Mr. Rhodes's express letter No F.-4/35-G.-(B), dated July 2, 1935. They fully realize importance attached by Parliament to the protection of aboriginal inhabitants and have had the advantage of some discussion on the subject with the Indian Delimitation Committee.

3. It appears that when provincial autonomy is introduced, the Scheduled Districts Act will still remain in force and its provisions will apply to those areas to which it now applies. This position will continue until the Act is repealed under the provisions of section 292 of the Government of India Act, 1935. If no area in this province were scheduled as a 'partially excluded' or 'excluded' area, the administration of those tracts would be by the Governor acting on the advice of his Ministers. If any area were 'excluded' the Governor would discharge the functions laid upon him by the Act in his discretion. If the area were 'partially excluded' it would be one of the Governor's special responsibilities under section 52 (1) (*e*) of the Government of India Act, 1935. In the exercise of his functions in regard to a 'partially excluded' area he would exercise his individual judgment—section 52 (3). The difference, therefore, between the application of the Scheduled Districts Act and 'partial exclusion' is that in the former case the Governor would act on the advice of his Ministers and in the latter case, in his individual judgment, *i.e.*, he would not have to accept the advice of his Ministers.

4. With the previous approval of the Government of India the examination of the question by every District Officer of the United Provinces, suggested in paragraph 5 of the India Office demi-official letter referred to above, was dispensed with and full inquiry was directed to be taken up only in the five districts, *viz.*, (1) Dehra Dun, (2) Mirzapur, (3) Almora, (4) Garhwal and (5) Naini Tal, to which the Scheduled Districts Act applies as in them alone could there possibly be held to be a *prima facie* justification for such inquiry. The correspondence with the five District Officers, a copy of which is forwarded herewith, shows that the District Officers of Dehra Dun and Mirzapur alone suggest 'partial exclusion' of certain areas in their districts. The test applied by the Secretary of State for 'partial exclusion' is mainly the condition of the inhabitants, *i.e.*, whether they are aboriginal or backward and require more protection than they would secure under full ministerial responsibility. It is presumed that a 'partially excluded' area would form part of a territorial constituency and that the inhabitants, where qualified, would be placed on the electoral roll. It is unlikely, however, that many of them would be qualified to vote. Possibly few of those registered

would use their vote and in any case the representative elected would probably not represent in any way the special interests of the aboriginal section of the population. In the circumstances the United Provinces Government agree that a case has been made out for the 'partial exclusion' of (i) Jaunsar-Bawar pargana in the Dehra Dun district, and (ii) the area South of the Kaimor Range in the Mirzapur district. The Jaunsar-Bawar pargana has an area of 483 square miles and a total population of 56,000 of which the aboriginal section numbers about 53,500. The aboriginal inhabitants are absolutely illiterate and though they profess Hinduism differ radically from the rest of Hindus. They practise divorce and polyandry customs not met with elsewhere among the Hindus, and observe a social system resembling slavery. They show no interest in ordinary Indian affairs and the system of administration adopted for this pargana is much simplified. The portion South of the Kaimor Range in the Mirzapur district has an area of 1,767 square miles and an approximate aboriginal population of 90,000 souls. This tract is very backward and the jungle tribes inhabiting it have a low standard of living and comfort. It is liable to famine owing to the great shortage of well water and the arid nature of the climate. The soil is of poor quality and a considerable portion of the tract consists of forests. There are no metalled roads or railways. In view of these considerations the Government are of opinion that special treatment is justified for these areas. There is however no necessity to appoint a special officer, suggested in paragraph four of the India Office letter, to look after the interests of their inhabitants. Their interests will be safe in the hands of the District Officer and the Commissioner.

It should be mentioned that the Cantonment of Chakrata with a population of 1,374 lies within the pargana of Jaunsar-Bawar. Under item 2 of List I of the Legislative Lists given in the Seventh Schedule to the Act, local self-government in cantonment areas (not being cantonment areas of Indian State troops) the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas is a Federal legislative subject, and accordingly under section 8 (1) (*a*) a subject pertaining to the executive authority of the Federation. Cantonment administration may also pertain to the subject of defence, and may form the subject of a direction from the Governor-General to the Governor in regard to the discharge of agency functions (section 123). In the discharge of such functions the Governor acts in his discretion. Thus the fact that the cantonment of Chakrata will lie within a 'partially excluded' area does not in any way affect the question.

5. The other districts to which the Scheduled Districts Act applies, *viz.*, Naini Tal, Almora and Garhwal are not recommended for 'partial exclusion' because such a step would be a retrograde measure, not justified on merits and would be much resented by the local people. The standard of education in these areas is fairly high. In regard to these areas the considerations stated by the United Provinces Government in their Express letter No. 419-R., dated April 9, 1935, hold good.

6. The United Provinces Government agree with the Secretary of State that the fact that no area in this province has been declared a backward tract under the existing constitution is not a conclusive argument against the scheduling of certain tracts as 'partially excluded' areas under the new constitution. The only question that might arise is whether in the two areas mentioned above 'partial exclusion' or 'exclusion' should be recommended. The District Officers themselves recommend 'partial exclusion' and this seems sufficient in the circumstances of the case. The District Officers and Commissioners concerned may be trusted to see that the interests of these people are satisfactorily looked after and that legislation which is inappropriate will not be applied to them.

FROM THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES, TO THE DISTRICT OFFICERS OF (1) NAINI TAL, (2) GARHWAL, (3) ALMORA, (4) MIRZAPUR, AND (5) DEHRA DUN, No. 858-R., DATED AUGUST 10, 1935.

I am directed to address you on the subject of "Excluded" and "Partially Excluded" areas under the Government of India Bill. The footnote to paragraph 67 of the Report of the Joint Parliamentary Committee, Volume I, Part I, contains a rough definition of "Excluded" areas. "Excluded" areas are tracts where, owing to the primitive character of its inhabitants, any advanced form of political organisation is unsuitable. Chapter V, Part III of the Government of India Bill, clauses 91-92 contain references to "Excluded" and "Partially Excluded" areas. The administration of "Excluded" areas will be by the Governor in his discretion and the administration of "Partially Excluded" areas will be a special responsibility of the Governor (*vide* clause 52 of the Government of India Bill).

2. The original draft of the Government of India Bill contained in the Sixth Schedule a list of "Excluded" and "Partially Excluded" areas. This list has since been deleted, and it is now intended that "Excluded" and "Partially Excluded" areas shall be specified by an Order in Council to be issued within six months of the passing of the Government of India Bill. The Secretary of State desires that before the Order in Council is issued, there should be a full examination by the District Officer himself of the conditions of all tracts which might conceivably be treated either as "excluded" or "partially excluded", and I am to request that you will carry out such an examination now with particular reference to the areas in your district in respect of which notifications under the Scheduled Districts Act (XIV of 1874) have been issued. Your report should clearly state whether in your opinion any areas should be "Partially Excluded", and should give full reasons.

3. Your answer to this letter may be sent through the Commissioner by the end of August, an advance copy being sent to Government direct.

LETTER FROM THE DEPUTY COMMISSIONER, ALMORA, TO THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES, No. 1976/XXIX-6, DATED AUGUST 20, 1935.

In reply to your letter No. 858-R., dated August 10, 1935, I have the honour to say that no portion of this district should be treated as an 'Excluded' or 'Partially excluded' area on the ground that the primitive character of the inhabitants renders an advanced form of political organisation unsuitable. Educational facilities are easily available and I have found that the inhabitants know what their rights are under the existing law and are tenacious of them. This is as true of the Bhot pattis north of the Inner Line through Phurkia Munsiari and Khela as of other portions of the district. The only primitive inhabitants are the Ban Manus who live in Askote. But, they are very small in numbers and the area occupied by them is so insignificant that it would be ridiculous to exclude it only. I have had some slight experience of Dudhi Tahsil in Mirzapur where the inhabitants may fairly be called primitive and the difference between them and the inhabitants of this district is enormous.

The Scheduled Districts Act applies to the whole of this district. But the civil and criminal law applicable here is the same as in other districts of the province. Customs do differ and the ordinary principles of Hindu law are not always applicable. The great difference is in revenue law which is totally different to the tenancy law in force in Agra and Oudh, and the Land Revenue Act is not fully applicable. But I gather from your letter that this is not the criterion for deciding that an area should be wholly or partially excluded and I presume that the legislature under the new constitution would make allowances for conditions in Kumaon and that it would not, for instance, make the Agra Tenancy Act applicable to this district *in toto*.

LETTER FROM THE ADDITIONAL DISTRICT MAGISTRATE, NAINI TAL, TO THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES (THROUGH THE DEPUTY COMMISSIONER IN-CHARGE, KUMAUN DIVISION), No. 2927/XV-64, DATED AUGUST 22, 1935.

With reference to your No. 858-R., dated August 10, 1935, on the subject of "Excluded" and "Partially Excluded" areas under the Government of India Bill, I have the honour to inform you that though it is undoubtedly true that any advanced form of political organisation would be unsuitable for the Tharus and Buxas in this district owing to their primitive character, I do not think that it will be possible or desirable to include them in an "Excluded" area, as they are so mixed up with others who would receive the benefit of the reforms that it would be practically impossible to demarcate an "excluded" area for these people. In any case the number of Tharus and Buxas is not large and the Tharus at any rate would probably resent being included in such an area as they have already protested against being termed backward classes. In these circumstances therefore I do not recommend that any tracts in this district be included in the "Excluded" and "Partially Excluded" areas

LETTER FROM THE SUPERINTENDENT, DEHRA DUN, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES (THROUGH THE COMMISSIONER, MEERUT DIVISION), No. 2960, DATED THE 26TH AUGUST 1935.

In compliance with paragraph 3 of letter No. 858-R., dated August 10, 1935, from the Chief Secretary to Government, United Provinces, to my address, I have the honour to report as follows:—

The Scheduled Districts Act (XIV of 1874) was extended to Jaunsar-Bawar under Government of India, Home Department Notification No. 632, dated May 30th, 1879, and this pargana has been administered under the Scheduled Districts Act up to date. The reason for the exclusion of this tract from the jurisdiction of the ordinary legislatures is that the inhabitants are on the whole primitive and backward as compared with other parts of British India.

Illiteracy is the rule rather than the exception and the common people are quite uneducated and ignorant. Apart from Chakrata Cantonments and Kalsi (where the population is seasonal and the Schools patronized mainly by down country people) there is a marked absence of educational institutions throughout the whole subdivision with the exception of the south-western area towards Lakhwar where there are a few Primary Schools.

The people are superstitious and simple who live according to old customs peculiar to these hills and follow system of divorce and polyandry wholly alien to general Hindu practice and society. The Jaunsaris, though Hindus, are essentially a different race to the plains people with whom the average hill man has little in common. The general feeling here is almost tribal and intensely conservative, while conformity to old customs prevails and the people care little for what is followed in other parts of British India. Their customs and ways of life are on the whole primitive and simple and the prevailing standard of wealth is below that obtaining in the plains for it is exceptional for a Jaunsari to pay more than Rs. 15 land revenue.

The people here have little interest in elections and will never be represented in any elected legislature as there are no men here of such wealth or status as to secure representation, while the people themselves are too ignorant and backward to know their interest. The welfare of this pargana is bound to suffer under any elected body recruited from the plains as its members will lack sympathy with these hill people.

Jaunsar-Bawar will never be able to take advantage of any form of political organisation and it is very desirable that its interest be protected by declaring this pargana a "partially Excluded" area under the special responsibility of the Governor.

The above remarks do not apply to Chakrata Cantonments where the population is only seasonable and consists of down country people and the Military. However at Chakrata covers only a small area and is situated in the heart of Jaunsar-Bawar it would be undesirable to have any separate form of administration for this Cantonment, and hence Chakrata Cantonments as a part of Jaunsar-Bawar may also be included as a "Partially Excluded" area.

LETTER FROM THE COMMISSIONER, BENARES DIVISION, TO THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES, No. 5317, DATED SEPTEMBER 9, 1935.

With reference to your letter No. 858-R., dated August 10, 1935 addressed to the District Officer of Mirzapur on the subject of "Excluded" and "Partially Excluded" areas under the Government of India Bill, I have the honour to forward the report of the District Officer called for therein. He is of opinion that the area south of the Kaimur Range in the Mirzapur district which has been classed as a scheduled district under the Act of 1874 should be specified as a "Partially Excluded" area. Although this area was not shown as an "Excluded" or "Partially Excluded" area in the 6th Schedule to the Government of India Bill, I agree with the opinion of the District Officer in view of the inaccessibility of the tract, its poor means of communication, its sparse population and cultivation, the primitive character of its inhabitants and the fact that it has hitherto been treated as a scheduled district.

LETTER FROM THE DISTRICT OFFICER OF MIRZAPUR, TO THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES (THROUGH THE COMMISSIONER, BENARES DIVISION), No. 3164, DATED SEPTEMBER 4, 1935.

With reference to G. O. No. 858-R., dated August 10, 1935, I have the honour to state as follows:—

In Mirzapur district the area south of the Kaimur Range has been classed as a Scheduled District under the Scheduled Districts Act of 1874 and has been the subject of notifications issued under that Act. This area is a hilly tract consisting of (1) Tahsil Dudhi (2) Pargana Agori of Robertsganj Tahsil, (3) a small portion of Pargana Bijaigarh of Robertsganj Tahsil between the Kaimur Range and the river Son. The tract is a very backward one inhabited mostly by aborigines and jungle tribes, whose standard of living and comfort is very low. The total area is 1,767 square miles. The tract is very sparsely populated. At the last census of 1931 the average density of population was 86·1 per square mile. The tract is a precarious one and liable to famine owing to the great shortage of well water and the arid nature of the climate. The soil on the whole is of very poor quality owing to the hilly and rocky nature of the ground and a considerable portion of the area is covered by forests. In consequence cultivation is very backward and the area under the plough is relatively small. In 1341 F. the percentage of the cultivated area to the total area was as follows:—

Dudhi Tahsil	14·2 per cent.
Agori Pargana	13·0 per cent.

The percentage for the portion of the Bijaigarh pargana is not available, but it was probably much the same as for Dudhi tahsil and Agori Pargana. The tract has a rental system of its own, the rent

being levied not according to the capacity of the soil but in proportion to the number of ploughs maintained by the cultivator. There is only one industry in this area, *viz.*, lac—of relative unimportance —which is confined to the forests of Dudhi pargana. Stick lac is collected by a Government contractor from the forests from which shellac is manufactured at a small factory at Wyndhamganj. There are no metalled roads and communications are on the whole very poor. The area is not served by railways, the nearest railway station being 48 miles distant from Dudhi in Palamau district. Presumably this area was classed as a "Partially Excluded" area in the Sixth Schedule of the Government of India Bill. This may be verified by Government as I have no copy of the Bill. In view of the unusual and backward conditions that obtain in this tract of country I recommend that under the Government of India Act it be made the subject of a special responsibility to be exercised by His Excellency the Governor.

LETTER FROM THE DEPUTY COMMISSIONER-IN-CHARGE, KUMAUN DIVISION, TO THE CHIEF SECRETARY TO GOVERNMENT, UNITED PROVINCES, REFORMS DEPARTMENT, No. 4561/XXIX-2, DATED SEPTEMBER 12, 1935.

With reference to Government endorsement No. 858-IR., dated August 10, 1935 forwarding copy of G. O. No. 858-R., dated August 10, 1935, to all the District Officers of this Division on the subject of "Excluded" and "Partially Excluded" areas, I have the honour to forward for the information of the Government a copy of letter No. 1517/XXIX-15, dated September 3, 1935, received from the Deputy Commissioner, Garhwal.

LETTER FROM THE DEPUTY COMMISSIONER, GARHWAL, TO THE DEPUTY COMMISSIONER-IN-CHARGE, KUMAUN DIVISION, No. 1517/XXIX-15, DATED SEPTEMBER 3, 1935.

With reference to G. O. No. 858-R., dated August 10, 1935, Reforms Department, I have the honour to say that there are no such areas in this district which may be treated as excluded or partially excluded.

LETTER FROM THE GOVERNMENT OF THE PUNJAB, TO THE GOVERNMENT OF INDIA, NO. 4-S./REFORMS, DATED THE 4TH SEPTEMBER 1935.

Reference correspondence resting with Government of India, Reforms Office, Express letter No. F.-4/35-G. (B) dated July 25th, 1935.

2. There is no district in the Punjab to which the Scheduled Districts Act applies.

3. The only Punjab area which has been mentioned in connection with total exclusion is Lahaul and Spiti; and the only Punjab area which has been mentioned in connection with partial exclusion is Kulu and Saraj.

4. Saraj is only a sub-Tahsil of the Kulu Tahsil of the Kangra District, and the whole area will, in this letter, be referred to as Kulu, unless it becomes necessary to consider them separately.

5. The whole of the Kulu Tahsil has been included in a constituency of the Punjab Legislative Council since the inauguration of the present constitution.

6. The total area of the Tahsil is 11,912 square miles. The area is largely mountainous; and cultivation is generally confined to the valleys of the Beas, Parbati, Sainj, Tirthan, and Sutlej. The cultivated area is some 130 square miles or about 7 per cent. of the total; there are besides, some 10,000 acres of culturable waste, which is private property. The average altitude above the sea of the cultivated area is approximately 5,000 feet. Cultivation is by no means primitive and includes a fair number of fruit-orchards owned both by Indians and Europeans, who export their produce to all parts of Northern India. These are mostly in the Beas valley. The population at the Census of 1931 was 131,425 which gives a density per cultivated square mile of 1,011. The largest town is Sultanpur, on the Beas, whose population is 4,706. The people of the Tahsil are almost entirely of Indian stock.

7. The Tahsil, together with Lahaul and Spiti, is a sub-division of the Kangra District, and the Sub-Division Officer has his headquarters at Naggar, 8 miles north of Sultanpur, in the Beas valley. The Tahsil headquarters is Sultanpur, and the headquarters of the sub-Tehsil of Saraj is at Banjar, in the valley of the river Tirthan.

8. The whole tract is fairly well developed. There are two police stations; two dispensaries; a large number of schools; and eighty-five Co-operative Societies under the charge of an Inspector and three Sub-Inspectors.

9. The Tahsil is accessable all the year round by means of a good motor road which connects it through Mandi State with the rest of the Kangra District, and particularly with the rail head at Jogindernagar.

10. The ordinary system of Land Revenue is in force, and at last settlement the assessment was fixed at Rs. 1,37,280.

11. In fact, Government feel that the people are developed enough to be well able to express their views and look after their interests, and that to exclude them now, even partially, would be an undesirably backward step which would be resented by them.

12. The cases of Lahaul and Spiti are very different. The Waziri of Lahaul (area 1,764 square miles) is on the North-East of Kulu. Its Northern boundary is partly the main Himalayan Range and partly the Kunzom Range. Its South-western boundary, which marches with Kulu, is the Mid-Himalayan Range. The only two ways of entering Lahaul from Kulu are the Rotang Pass (13,000 feet) and the Mamta Pass (14,000 feet). The general level of the populated and cultivated area is from 9,000 to 12,000 feet. It is concentrated chiefly in the lower reaches of the Bhaga and Chandra rivers, and in the first few miles of the river formed by their junction, named the Chandra-Bhaga, the Chandra and the Chandra-Bhaga rivers running North-West close to the Northern side of and approximately parallel with the Mid-Himalayan Range on the South-Western border of the area.

13. The population is Tibetan rather than Indian and, at the Census of 1931, was 8,001. Their religion is chiefly Buddhist. Though there are a number of indigenous monastery schools, at which many become literate and, to some degree, educated, in Tibetan, there are only two Mission Schools and one Government school in the area.

14. The administration is different to that of Kulu, and is almost entirely in the hands of local notables, to whom also most of the revenue (about Rs. 5,000) is paid.

15. The physical condition of the country inevitably make cultivation and life rather primitive. Lahaul has from the beginning of the present constitution been excluded from any constituency.

16. The Waziri of Spiti (area 2,931 square miles) matches with the Eastern boundary of Lahaul. Its Western boundary, from North to South, is the main Himalayan, the Kunzom Range (these two forming the Eastern boundary of Lahaul), and the Mid-Himalayan Range, and ends up at the North-East corner of Saraj. Its Southern boundary is along the top of the Srikandh Range, on the other side of which lies Bashahr State. Its Eastern boundary is chiefly the main Himalayan Range.

17. The main Himalayan Range, from the point where it turns Eastward at its junction with the Kunzom Range on the Western boundary to the point where it turns Southward to form part of the Eastern boundary, runs straight from West to East across the middle of Spiti. To the North of this range the area is practically deserted. To the South of it the Spiti river flows approximately South-East from the Kunzom pass for some 80 miles until it leaves the area.

18. The only way of approach from Lahaul is over the Kunzom pass (15,000 feet). There is the Pin Parbati pass in the middle of the Eastern boundary of the Tahsil Kulu proper; but this is practically never attempted.

19. The population is practically confined to the lower reaches of the Spiti river and of two of its tributaries. The average height above the sea of the inhabited parts of Spiti is about 11,000 feet; the population, almost entirely Tibetan and Buddhist, is according to the Census of 1931, 3,746.

20. In Spiti also the administration is carried on by local indigenous authority, and there is really no sign of the ordinary organisation of British India. The land revenue is only some Rs. 3,000. There is no hospital and no school, although, as in Lahaul, the monasteries have their own schools. Spiti being even higher than Lahaul, the conditions there are even harder for the people than in Lahaul. Spiti, also, has always been excluded from any constituency.

21. Owing to the height of the passes through the mountains, both Lahaul and Spiti are inaccessible for a great part of the year. Although it is considered that they would not suffer if they were brought under the authority of the new Government of India Act, yet their inaccessibility is a factor which effects their inclusion within its provisions. Either the preparation of an electoral roll or an election would probably fall at a time when the areas are inaccessible—for instance, it has been found impossible to make a provisional roll this year, and it seems likely that the regular roll will be made a time when the passes have been closed by snow, for a general election which, it seems at least probable, will take place in the winter of 1936, when the passes will again have been closed; and in any case, it seems that the total electorate of both the areas would be barely 800.

22. The Punjab Government consider that there will be no justification for appointing a special officer for these areas if they are to be excluded. So far as Lahaul and Spiti are concerned, touch between them and the local Government is, even under the existing system, maintained only by occasional visits of the Deputy Commissioner of Kangra, and the Sub-Divisional Officer of Kulu; and there is no reason to suppose that, under the new constitution, it will not be possible to maintain the same degree of contact.

LETTER FROM THE GOVERNMENT OF BIHAR AND ORISSA, TO THE GOVERNMENT OF INDIA, No. 7342-A. R., DATED THE 18TH OCTOBER 1935.

I am directed to refer to your express letter No. F.-4—35-G., (B), dated the 2nd July 1935, in which the local Government have been asked to re-examine the whole problem of the areas to be classified as "excluded" or "partially excluded" under the new constitution and to submit their proposals with a full statement of the grounds not only for proposals for including specified areas within the category of excluded or partially excluded, but also for proposals for not so including any area, the population of which consists to an appreciable extent of aborigines or very backward people.

2. The principle suggested by the Secretary of State for this enquiry are:—

(*a*) That any tract which contains a preponderance of aborigines or very backward people should *prima facie* be partially excluded if it is large enough to make possible the aplication to it of special legislation or special administrative treatment without inconvenience or without imposing undue disabilities upon the other inhabitants of the area;

(*b*) That if an area does not contain a preponderance, but does contain an appreciable proportion of aborigines or very backward people, the local Government should consider whether in all the circumstances of the case there are good reasons for not declaring such an area to be partially excluded.

The local Government accept these criteria as suitable and have kept them in view throughout their enquiries which have been made by the District Officers under the supervision of their Divisional Commissioners.

3. The district of the province of Bihar and Orissa are at present divided into two categories—

(i) regulation districts which participate fully in the present constitution under the Government of India Act, 1919, and

(ii) districts which have been declared to be "backward" tracts under section 52A (2) of that Act. These districts are the Santal Parganas, Angul, Sambalpur, Ranchi, Singhbhum, Hazaribagh, Manbhum and Palamau. Under the notification of the Governor-General in Council No. 4-G., dated the 3rd January 1920, the district of Angul is entirely withdrawn from the purview of the Central and Provincial Legislatures. Its present position corresponds closely to that of an "excluded area" under the new constitution. In the other distficts the protection is much less complete. These districts are distinguished only by the fact that they are protected by the

power of the Governor-General under section 71 to legislate for them by Regulation and by the powers of the Governor-General in Council and Governor in Council under section 52-A against unsuitable legislation of the Central and Provincial Legislatures.

4. The enquiry concerning the future classification of these areas resolves itself into three parts—

A. Whether there are already any areas included in the "backward tracts" under the Government of India Act, 1919, which no longer need protection and which it is unnecessary to classify as "partially excluded".

B. Whether there are any areas not at present included in the "backward tracts" which should be classified as "partially excluded".

C. Whether there are any areas which should be "totally excluded".

A.—Backward tracts.

5. The Governor in Council presumes that it is not necessary at this stage to restate in detail the reasons why protection is required for the backward tracts. These have already been fully stated in the special Memorandum on the backward tracts presented by the local Government to the Simon Commission and have been further stated with reference to the new constitution in the speech delivered by the Hon'ble Mr. Hubback to the Provincial Legislature during the debate on the partially excluded areas in February of this year. The necessity for protection has in any case been recognised both in the Report of the Joint Parliamentary Committee and subsequently by Parliament itself. It is assumed in the reference now formulated by the Secretary of State that the only question now is the more exact definition of the areas to which that protection should be afforded.

6. This question has been under examination by the local Government from time to time since 1928. When the matter was discussed by the Simon Commission, the local Government considered it necessary (paragraph 45 of the Memorandum) to retain the existing degree of protection for all the eight districts that are at present classed as backward tracts. Subsequently, impressed by the difficulty of continuing to protect indefinitely those portions of the backward tracts in which the aboriginals are in the minority, the local Government modified their views to some extent; and in paragraph 38 of the opinion submitted with Mr. Hallett's letter No. 4868-A. R., dated the 23rd August 1930, they suggested that parts of the districts of the Santal Parganas, Manbhum, Hazaribagh, Palamau, Singhbhum and perhaps Sambalpur and Angul need not be retained in a special position. The exact areas to be released from protection were not defined at that stage.

7. The conditions of the problem have altered materially since then. The constitution now proposed differs widely from that suggested by the Simon Commission. The control which the Central Government can exercise has been considerably weakened by the introduction of a federal system and the only protection offered to backward peoples in areas which are not partially excluded is the negative power vesting in the Governor-General and the Governor under their responsibility for safeguarding the legitimate interests of minorities. Except in partially excluded areas, the Governor will have no power to provide any funds that may be specially required for the development or improvement of backward areas or peoples. Nor will he have the power to legislate by regulation or to amend a regulation already in existence. There would probably be considerable difficulty in bringing legislation for the protection of minority communities within the scope of the Governor's powers under section 90 of the Government of India Act, 1935. Generally speaking, the power of legislation, except for emergency Ordinances, will be confined to the Legislatures. The special tenancy laws in Chota Nagpur, the Santal Parganas, Sambalpur and Angul are the bulwark of the backward peoples. The Legislatures of the future would have the power to amend, modify or even repeal these laws and the only safeguard against legislative action detrimental to the interests of the backward peoples is the power of the Governor to refuse assent. While that power may be effective to prevent repeal, it will be more difficult to prevent repeated attempts at attrition. It may be difficult to get special legislation passed that may be required for the special needs of the aboriginals or to secure amendments of the Tenancy Acts affording needed protection for their tenancy rights.

The importance of these special tenancy laws to the aboriginals cannot be overstressed. The history of the Santal Parganas and of Chota Nagpur was one of continuous exploitation and dispossession of the aboriginals punctuated by disorder and even rebellion until special and adequate protection was given. In the fringe areas, such as Manbhum, where the non-aboriginals are in a majority, the aboriginal element would probably have been driven from the land long ago but for the protection given by the tenancy laws. Only this year the local Government have found it necessary to pass special tenancy legislation to protect against victimisation the outlying aboriginal population which has gradually spread from the backward tracts of the Santal Parganas into the regulation districts of Bhagalpur and Monghyr. While this Act was passed by the present Legislature without serious opposition, it is doubtful whether the more independent Legislatures of the future would be willing to act in the same way. The fate of the aboriginal, where he has been unprotected, has usually been to lose his land and to be absorbed gradually into the depressed classes with the status of a mere labourer. It is only in areas, such as Purnea, where the pressure of the population on the soil is light and the usual forces of competition have not fully operated that he has been able to hold his own against his more advanced neighbours without protection.

Except in the industrial centres, such as Jamshedpur, the existence of an appreciable proportion of aboriginal population coincides throughout the backward tracts with a low state of general development, and even within a few miles of such centres the influence of civilization ceases. Elsewhere the economic and educational progress of the aboriginal has been slow, except where Government have created a distinct system of administration, such as in Singhbhum and the Santal Parganas, or where Christian missionaries have worked in large numbers for a long time, as in the Ranchi district. The proportion of literate aboriginals is only one-fourth of the proportion among the non-aboriginal peoples of the province. It is significant that the two Indian District Officers of Manbhum and Palamau, have reported during the present enquiries that the backward tribes in those areas have little advancement or protection to hope for at the hands of their non-aboriginal compatriots. The local Government believe that this opinion is for the present at any rate well founded. The Provincial Legislature, as a whole, has taken little interest in the backward tribes other than to press for the removal of existing forms of protection, the Congress has taken no interest in them except to exploit them for political purposes, and the local self-governing bodies have usually been more anxious to provide for non-aboriginals than for aboriginal needs except in the few districts where the aboriginals themselves have effective representation on these bodies. The necessity for protection of the backward peoples has, therefore, become even more obvious in the fringe areas where they are in the minority than in the predominantly aboriginal core of the backward tracts. Further these fringe areas have a great importance as a buffer for the predominantly aboriginal tracts, a protection very necessary for the peaceful advancement of these areas.

8. It seems prudent, therefore, to exercise great caution before removing from the partially excluded category any areas that are at present treated as backward tracts. It is impossible to forecast the way in which the new constitution will operate or the degree to which the aboriginal areas may be adversely affected by it if they are not protected. Under the new Government of India Act a partially excluded area can be removed at any time from the partially excluded category by the simple process of an Order in Council under section 91 (2) but, once the area is removed from that category, it can never be restored. The Governor in Council, therefore, considers that the proper time for making a change in the position of the tracts already receiving special consideration is not at the moment when provincial autonomy is introduced; it is better at this stage to be over-cautious than to take a risk. If later it is found that protection can be relinquished in any area the remedy is always available and can be readily applied. It is more easy to maintain a conservative policy in this matter now since the constitutional scheme for the protected areas has been made so elastic. There is now no question of differentiation on a permanent basis or even for a fixed period; the position can be reviewed for any particular area at any time. It is for these reasons that the local Government have now modified the views that they expressed in 1930 as regards the outlying portions of the backward tracts.

9. Before proceeding to examine the case of each tract separately it is necessary to define the castes or tribes that should be considered as backward for the purpose of this enquiry. The local Government have not included in this definition the depressed classes, since the depressed classes are an all-India problem and have been given a special position in the constitution after due consideration of their needs. They have, therefore, taken into consideration only those castes or tribes of a definitely aboriginal or semi-aboriginal character that have been classed in any part of the province of Bihar and Orissa as "backward tribes" for the purpose of the franchise under the new constitution. Lists of these castes or tribes form Annexure A to this letter. The eight tribes marked with an asterisk in the list have been treated in the franchise proposals as backward tribes in those areas where there is a backward tribe constituency and as scheduled (depressed) classes in all other areas; but this distinction would be unsuitable for the present purpose. For the purpose of this enquiry, therefore, all the castes included in the Annexure have been treated as backward tribes in all areas.

10. The cases of individual districts may now be considered:

(*i*) *Ranchi and Singhbhum District.*—In both these districts the aboriginal population forms a clear majority of the total population—67 per cent. in Ranchi and 62 per cent. in Singhbhum. In four out of the six sub-divisions the aboriginal population is in excess of 70 per cent. There is only one sub-division where they are not in the majority; this is the Dhalbhum sub-division in Singhbhum which contains the very important industrial town of Jamshedpur with a population of over 83,000, 90 per cent. of which has immigrated from elsewhere. This is an exceptional area and if it is omitted from the count the aboriginal population of the rural portions of the sub-division is 59 per cent. These two districts (together with the Santal Parganas) form the backbone of the aboriginal tracts and in view of the very strong predominance of aboriginals throughout every part of both districts, the local Government consider that the whole of both districts must be partially excluded.

(*ii*) *Santal Parganas.*—The Santal Parganas present a different problem. In the district as a whole the backward tribes, the bulk of whom are pure aborigines, represent 45 per cent. of the population. In four out of the six sub-divisions (Dumka, Jamtara, Rajmahal and Pakaur) the backward tribes definitely predominate; in the remaining two they are in the minority being 21 per cent. of the population in Deoghar and 41 per cent. in Godda. There can be no doubt that in the first four sub-divisions which form the aboriginal core of the district the special administrative system peculiar to the district must be maintained. The local Government consider it no less important that the district should be treated as a single whole.

In the Godda sub-division the backward population of 41 per cent. is very unevenly distributed. Thus in the southern and eastern portions which cover more than half the total area, the aboriginal population averages about 70 per cent. being approximately 62 per cent. in the Pareya Hat thana and 80 per cent. in the Godda Damin. It is only in the northern and western portions, a narrow

belt about 16 miles wide by 38 miles long that the non-aboriginal predominates and this predominance is due partly to the competition of the more advanced Biharis of the adjacent tracts for the fertile plains on the border of the district and partly to continuous efforts of the landlords to break down the village headman system which ultimately led Government in 1908 to undertake special legislation for their protection. The aboriginal minority lives scattered throughout this area and if it is to be protected the system must remain.

In the Deoghar sub-division, the aboriginal population forms only 21 per cent. of the population, but here also there is a difference between the northern and southern portions of the area; in the southern portion the aboriginal population forms 29 per cent. and in one thana (police station Sarath) is over 50 per cent. This sub-division also has some very special features, such as the *mulraiyati* system of headmanship and the *ghatwali* system of tenures which have special laws to govern them, most of the *ghatwal* landlords being of aboriginal stock.

To sum up, therefore, both sub-divisions contain considerable tracts in which the backward tribes actually predominate, and even where they do not, the areas present peculiar problems which require special treatment. They have for three quarters of a century shared with the rest of the district a special system of administration, the predominantly aboriginal portions must clearly retain this system and if it were to be abolished in the remaining outlying tracts, it would be necessary to attach these to some other district. There is no other unit of administration with which they can be conveniently combined and even if they could, they must carry with them their own peculiar personal laws which would cause administrative difficulties. Further these tracts lie along the border which separates the aboriginal country of the Santal Parganas and Chota Nagpur from the advanced tracts of Bihar. It is important then in the interests of the inhabitants of the aboriginal tracts that these fringe areas should be retained as a buffer between the Santal Parganas and Bihar. The areas where the aboriginal proportion is small form disruptive centres and to surrender all control over these tends to accelerate the breakdown of the special systems of administration in the aboriginal areas.

(*iii*) *Hazaribagh and Palamau.*—The problems in the Hazaribagh and Palamau districts are somewhat similar. These are extensive and sparsely populated areas which are largely covered with jungle. For centuries they have marked the boundary between the more civilised areas of the Gangetic plain and the country of the forest tribes. There has been a long process of infiltration from Bihar and the backward tribes are now definitely in the minority. In Hazaribagh district they account for 25 per cent. and in Palamau district for 36 per cent. of the inhabitants. The backward population is widely dispersed all over both districts. It exceeds 25 per cent. of the population in ten out of the 18 thanas of Hazaribagh and in eight out of nine thanas in Palamau. In four thanas of Palamau, three of which comprise the Latehar sub-division, it exceeds 60 per cent. Though the aboriginals do not predominate in these

districts, as a whole the general state of development of the population in both districts is backward, and it may fairly be said that there are many classes of non-aboriginal cultivators who require protection no less than the oboriginals themselves. The tenantry of Palamau, in particular, have always been poor, backward and exploited. It would be impossible to single out any areas in either district for special treatment without disrupting the two districts entirely and creating an administrative problem impossible of solution. The local Government, therefore, consider it necessary that both districts in their entirety should be partially excluded.

(*iv*) *Manbhum.*—This district presents a slightly different problem. It is in many respects more advanced than other districts of Chota Nagpur and contains a large industrial area in the Jharia coalfields. But the aboriginals form 36 per cent. of the population and are fairly evenly spread over the whole area. There is only one thana in which they form less than 25 per cent. of the population. The report of the Deputy Commissioner of this district on the necessity for continued protection is so interesting that the local Government are forwarding it in full as Annexure D to this letter. He considers, and the local Government agree, that there is only one area in the district in which the relaxation of protection could even be considered; that is the Jharia coalfields. But as he observes, the area, which is only 158 square miles, is too small for separate administrative treatment and would form a very awkward administrative enclave in the centre of a large partially excluded tract. It is not practicable to provide a separate administration for this area.

(*v*) There remains the cases of *Angul* and *Sambalpur* in Orissa. The reports on these areas submitted jointly by the Commissioner of the Orissa Division and the Deputy Commissioners of the districts are enclosed *in extenso*.

(*a*) *Angul.*—The district of Angul is divided into two areas of very unequal development. The Khondmals subdivision is purely aboriginal: so backward that the inhabitants are not even burdened with any form of taxation beyond a plough tax. They are akin to the aboriginal inhabitants of the Agency tracts in northern Madras and are the most backward people of the whole province. It is inevitable that the Khondmals Subdivision should continue to be a partially excluded area for many years to come. At present the whole district is entirely excluded from the operation of both the Provincial and Central Legislatures. The Angul Subdivision is different; there the aboriginals form only 18 per cent. of the population, the rest being Oriyas, and the retention of this area as a backward tract is due not so much to its lack of development as to the fact that it is completely surrounded by Feudatory States and that it preserves a special system of village self-government and a specialised form of administration. It is proposed that when the new province of Orissa is formed the district of Angul will be split into two, the Khondmals being attached to the Agency tracts of Madras and the Angul Subdivision being attached to the regulation district of Cuttack in Orissa The Governor in Council considers that it will

be possible at no distant date to bring the Angul Subdivision into line with the regulation districts but that it would be unwise to do so at present. The Subdivision has enjoyed a special system of administration since 1847. Its laws are partly uncodified and administration is based largely on local tradition, custom and executive order. It will require very careful legislation to codify the law and to bring the district under the regulation system without sacrificing the special features which it is necessary in the interests of the inhabitants to preserve. Such legislation is a matter for experts rather than for a popular Legislature acting without real knowledge of local conditions. Therefore, until the new Government of Orissa has had time to examine the problems of Angul in detail and to prepare the way for full amalgamation with regulation districts it is essential that this district should remain a partially excluded area.

(*b*) In the Sambalpur district the problem is somewhat analogous to that of the Angul Subdivision. Here although the aboriginal element is stronger—amounting to 32 per cent. the district cannot really be described as backward. Looking to the general level of the population there would be little objection to removing protection but the local Government consider that this should not be done immediately. The district has its special code of laws and system of administration which is unlike anything else in the province. Much of the law and of the system which was originally taken over from the Central Provinces is now out of date and when the new Province of Orissa is formed the district will receive accretions from the Central Provinces which will bring in yet another set of laws. It will take time and care to carry out the revision of the tenancy and revenue laws that will be necessary to bring the system into uniformity. This legislation, as in Angul, will be a matter for experts and can be more suitably carried out by the Governor under the procedure contemplated in Section 90 (1) (*b*) of the Government of India Act, 1935, than by a popular Legislature which will be largely ignorant of the problems involved. The local Government think, therefore, that as in the case of Angul subdivision, the removal of protection should be postponed until the Government of Orissa have had time to review the situation and to carry out the necessary legislation.

11. In the draft Bill placed before Parliament all the districts mentioned above were included in the Schedule of partially excluded areas. After a careful re-examination, the Governor in Council sees no reason why that decision should be altered.

B. Regulation Districts.

12. The problem in the remaining districts of the province is a different one, namely, whether there are any areas situated in them which should now for the first time receive special treatment, because they contain an appreciable proportion of backward people. An enquiry has been made in all districts in which the backward population exceeds 1 per cent. of the total population. These are the districts of Gaya, Champaran, Bhagalpur, Monghyr, Purnea, Cuttack,

Balasore and Puri. No enquiry has been made in the districts of Patna, Shahabad, Muzaffarpur, Saran and Darbhanga, where the backward population is negligible or non-existent (*vide* Annexure B).

13. There are obvious difficulties in applying special administrative arrangements to isolated tracts. Ordinarily it is not desirable to make such arrangements for areas smaller than a district, or practicable to make them for any unit smaller than a subdivision. District Officers were, however, asked by the local Government to examine even smaller units if they considered that there were reasons of special cogency which would render the separate administration of a smaller area desirable. The reports received from the Commissioners and the District Officers are unanimous that there is no area in any of these eight districts which it is either necessary or practicable to classify as partially excluded area.

14. (*a*) The only case which calls for any serious consideration is that of Gaya District. There are four adjacent thanas where there is a substantial proportion of backward inhabitants:—

Gaya Mufassil thana	19 per cent.
Barachatti thana	25·6 per cent
Sherghatti thana	24 per cent.
Rajauli thana	16·7 per cent

The first three are situated in the headquarters subdivision, the last in the Nawada subdivision. The thana "Mufassil Gaya" in which the backward people represent 19 per cent. is probably the most advanced thana in one of the foremost districts in Bihar and this tract lies immediately round the district headquarters. It would be quite impossible to declare this thana to be a partially excluded area and any proposal to do so would arouse intense popular resentment. Conditions in the Rajauli thana are not very different. The Sherghatti and Barachatti thanas have stronger claims to consideration, but it would be difficult now to amalgamate this area with the neighbouring backward tracts of Hazaribagh in any manageable administrative unit. Like the neighbouring thanas of the Hazaribagh district the backward population consists largely of semi-aboriginal Bhuiyas, who are the agricultural labourers of the area; but they have largely merged in the depressed classes and indeed they form the bulk of the electorate of the scheduled caste constituency in Gaya. The Governor in Council after careful consideration is of opinion that the circumstances do not warrant the partial exclusion of this small area.

(*b*) In the district of *Champaran* the backward population represents only 2·1 per cent. of the population, but there is one small area comprising two thanas (Bagaha and Sikarpur) which contain about 9 per cent. of aboriginal population. Neither the size of the area nor the proportion of aboriginals would justify any special measures.

(*c*) The conditions in *Bhagalpur* and *Monghyr districts* are similar. Here although the total backward population does not reach 3 per cent. in either district, there are two small areas along the border of the Santal Parganas where there has been a somewhat greater

infiltration of aboriginals. In the three border thanas of Katoria, Banka and Chakai the aboriginals number 17 per cent. 13 per cent. and 13 per cent., respectively, In these three areas the exploitation of the aboriginal tenantry by local money-lenders and landlords has caused anxiety for some years, and as already mentioned in an earlier passage, the local Government have had to undertake legislation to make special provision in the Bihar Tenancy Act to protect this class of tenants. But it is not practicable to go beyond this or to set up a special administration for a population which amounts to 10·4 per cent. in the Banka Subdivision of Bhagalpur and 5·9 per cent. in the Jamui subdivision of Monghyr. Nor would it be possible, even if it were justifiable, to attach these areas to the neighbouring district of the Santal Parganas. This would involve not only altering radically the administrative arrangements of the Santal Parganas and South Bhagalpur, but also the introduction into the Deoghar subdivision of the Santal Parganas of two new sets of tenancy laws which would inevitably cause confusion. It is essential that the units of administration should be so designed that the law within any unit is homogeneous. The Deoghar Subdivision is already the heaviest Subdivisional charge and any addition would make it unmanageable.

The district of *Purnea* presents no problems. The backward population amounts to only 3·4 per cent. of the whole. There is no subdivision where it exceeds 6·5 per cent. and there is only one thana where it exceeds 10 per cent. (Katihar). In this district, land is still fairly plentiful, it is likely to remain so for some time to come and economic competition is not severe. The aboriginals are sought after as tenants and they are generally not oppressed. They are merging gradually in the Hindu population and have given up a good deal of their individuality and customs. No special protection is needed.

(*d*) *The Orissa Coast districts* have an appreciably larger semi-aboriginal population. Cuttack has 10·7 per cent., Puri 11·5 per cent. and Balasore 8·3 per cent. But this distribution of population is not, as in Chota Nagpur, the result of the infiltration of non-aboriginals in comparatively modern times, but goes back many centuries to the ancient Hindu conquest of Orissa. The semi-aboriginals who belong mostly to the Pan and Bauri castes have lived along side the caste Hindus for so long that they have merged in the ordinary depressed class population, whose interests are the same as theirs. There has been no special discrimination against them. The semi-aboriginals are fairly evenly spread over the whole coastal tracts, there are no areas of any size which could be selected for special treatment, nor is the necessity for any such treatment apparent.

15. The Governor in Council is, therefore, of opinion that there is no case for declaring any area in the present regulation districts of Bihar and Orissa to be partially excluded area.

C. Areas to be totally excluded.

16. There are no areas in the province which need be totally excluded. The only tract which is at present in such a position is

Angul. As already explained, the Sadr subdivision of that district is now so advanced that it may be possible in a few years to put it on a level with regulation districts. While the Khondmals will require protection for many years to come, the local conditions are not such as to make it necessary to retain a distinction between it and the neighbouring Agency tracts of Madras with which it will in future be grouped.

GENERAL CONCLUSIONS.

17. The general result of the enquiry now completed is that there is no need for any alteration, so far as this province is concerned, in the proposals which were made by His Majesty's Government in the White Paper and in the Government of India Bill.

18. The Secretary of State has asked for the views of the local Government whether it is necessary that the Governor should have a special adviser for the partially excluded areas. The Governor in Council does not consider that any such adviser will be required in this province. The backward tracts occupy so large a part of the province, both in Bihar and the new province of Orissa that the majority of officers obtain some experience of them during their service. The advice of the Divisional Commissioners who are in close touch with the backward tracts in their Divisions will always be available, and it will be seldom that the Secretariat is without officers who have first-hand experience of one or other of these tracts. In any case, the fact that the summer headquarters of Government of Bihar is situated in the centre of the aboriginal area is itself the strongest guarantee that the interests of the aboriginal tracts will be kept before the eyes of that Government.

ANNEXURE A.

(For Bihar and Orissa.)

List of aboriginal tribes.

I.

1. Asur.
2. Bathudi.

*

3. Bhuiya.

*

4. Bhumij.
5. Birhot.
6. Birjia.
7. Chero.
8. Gadaba.
9. Gond.
10. Ho.
11. Juang.
12. Karmali.
13. Kharia.
14. Kharwar.

*

15. Khetauri.
16. Khond.
17. Korwa.
18. Mal Paharia.
19. Munda.
20. Oraon.
21. Santal.
22. Sauria Paharia.
23. Savar.
24. Tharu.

Semi-aboriginal tribes.

II.

1. Banjara.

*

2. Bauri.
3. Bentkar.

*

4. Bhogta.
5. Binjhia.
6. Chik Baraik.

*

7. Ghasi.

*

8. Ghatwar.
9. Gorait.
10. Kisan.
11. Koli.
12. Kora.
13. Mahli.

*

14. Pan.
15. Parhaiya.

*

16. Rajwar.

*

17. Turi.

ANNEXURE B.

District.	Total population.	Backward population.	Percentage.
1	2	3	4
Patna	1,846,474	4,435	Negligible.
Shahabad	1,993,489	12,306	Ditto.
Gaya	2,388,462	217,221	9·1 per cent.
Muzaffarpur	2,941,025	..	Negligible.
Darbhanga	3,166,094	2	Ditto.
Saran.	2,486,468	1	Ditto.
Champaran	2,145,687	44,939	2·1 per cent.
Bhagalpur	2,242,129	60,307	2·7 per cent.
Monghyr	2,287,154	34,574	1·5 per cent.
Purnea	2,179,046	73,720	3·4 per cent.
Cuttack	2,176,707	234,478	10·7 per cent.
Balasore	990,600	82,959	8·3 per cent.
Puri	1,035,154	119,095	11·5 per cent

ANNEXURE D.

No. 166-P.C., DATED PURULIA, THE 18TH SEPTEMBER 1935, FROM S. N. MOZUMDAR, ESQ., I.C.S., DEPUTY COMMISSIONER, MANBHUM, TO THE CHIEF SECRETARY TO GOVERNMENT, BIHAR AND ORISSA, RANCHI.

In reply to your letter No. 5188-93 A.R., dated the 27th August 1935, I have the honour to report as follows:—

(1) The Backward Tribes suffer from certain natural disabilities. These are born of a lower intelligence. But where this is not the case, as in one or two of the Scheduled castes, the cause is an environment of a lower order which deprives them of opportunities to develop their mind.

(2) The question is do they need protection of their interest? And will such protection cause inconvenience or impose disadvantages on the advanced element of the population? If it will, whether the strength of the backward element is such as to justify the inflicting of restriction of certain rights enjoyed elsewhere by the advanced element.

(3) My experience of the aboriginal mind is that it is peculiarly unreceptive. This district nurses within it one of the principal industrial areas in the country. Adjoining it on the East is another equally developed industrial area of the Raniganj coalfields. To the South lies Jamshedpur and on the North, the Giridih coalfields within 12 miles of the boundary. The aborigine has lived and grown in this highly sophisticated environment for the last 40 years. Its value as a general eye-opener cannot be disputed. But it appears to have signally failed to stimulate the aborigine to develop himself to anywhere within the reach of the lowest non-aboriginal standard. He still remains a completely uninformed mind, uninterested outside his own world, unable to look after his own interest against an onslaught, oblivious of wants so long as he earns sufficiently for the simplest food and drink, with no acquisitive propensities. Literacy has extended amongst them. But that, in no instance, necessarily improves the mind to any great extent. It certainly does not provide an equipment to withstand attacks from an established order of economics that is detrimental to his interest. I have come much in contact with these men in some parts of the district, some living very close to the industrial areas as in the jungles of the Tundi and Chandil parganas and others, comparatively at a distance, in the Baghmundi plateau. I have been struck by the fact how they have retained the primitive mind with all its qualifications and disqualifications. I cannot yet foresee a future when the entire aboriginal element will cease to possess this primitive mind which will make tutelage unnecessary. It is another question as to what agency should provide it, the Governor in his own responsibility or the Legislature.

(4) The backward tribes form 61 per cent. of the population of the district. Such a large element would justify special measures to protect their interest, even though these may impose restrictions on the advanced element. Special measures to safeguard the

interest of the backward tribes are essential. Such measures now exist, the principal being the Tenancy Act. But there are innumerable instances of how some of the provisions of this Act too have failed in the desired effect. It is common knowledge how restrictions on transfer of holdings are circumvented by a surrender to the landlord and resettlement outside relationship, tribe and village. Cases are innumerable of instances of mortgagers kept out of possession, inspite of the law, for years beyond the prescribed period. I do not pretend that in these cases there is no connivance of those who are sought to be protected. But in the majority of the cases they arise out of the conflict between the economic interests of the non-aborigine and the aborigine,—the result of the acquisitive propensity and greed of the former stimulated by the natural drawback of the aborigine character. But for the special legislation regarding Khuntkatti and Korkar the aboriginal element would have long been wiped off the land.

(5) The question now is have these special measures imposed restrictions on the advanced element in either his day-to-day life or in the every day administration of the district? I cannot think of any except the restrictions on transfer of land. But this has both advantages and disadvantages; and it is extremely doubtful whether the latter outweigh the former in the case of a genuine honest cultivator. In no other way does the advanced element feel an inconvenience or suffer a disadvantage. There is no reason to believe that under the contemplated mode of Government under the new Act there will be any change for the worse in this direction.

(6) On the contrary, there is one undoubted advantage. Any measures adopted for the development or improvement of the Backward tribes will directly benefit the area and all its inhabitants. Such measures will not rest solely on the vote of the legislature. In a scramble for funds in a legislature of a heterogenous province of two sections with not much in common between the two elements, Chota Nagpur as the junior partner may find great difficulty in obtaining substantial allocation of funds for general improvement and development.

(7) For adequate protection of the Backward tribes the proposed special powers of the Governor are essential. A minority is usually neglected. Their representatives or champions in the legislature will be an insignificant number. They will be completely out of the picture unless their cause has a powerful backing which will be lacking in the legislature. The long drawn struggle connected with the recent amendments of the Bengal Tenancy Act in and outside the Bihar and Orissa Legislative Council is still fresh in memory and is a warning. I have misgivings whether an uncontrolled and independent Council as the new Act would set up would agree to such measures of protection to tenants as the Khuntkati or Korkar provisions of the Chota Nagpur Tenancy Act. It will be unwise at present to leave the Backward tribes entirely in the hands of the legislature.

(8) I recognise that normally, not the executive, but the legislature should take the lead for the Backward tribes. But, as

matters stand, I know of no organisation or no individual attempt in this district to work for the Backward tribes except the Christian Missions. I have never heard from a single public man in my stay here of 3 years a word of concern for the Backward tribes, of their needs and wants, of the necessity of affording facilities by the local bodies for their development, or for the protection of their interest. There is no ground on which the hope may be justifiably based that the natural leaders will in the near future provide adequate protection to the Backward tribes.

(9) The new Act does not rule out a fusion of the Governor and the legislature in the administration of the "Partially excluded" area. Normally the Governor will act with the advice of his Ministers. Only, acts of the legislature will not automatically apply to this area unless specifically extended to it. There is no precedent under the present form of Government and there is no reason to believe that legislation not adversely affecting the interest of the Backward tribes will not be extended to the "Partially excluded" area. The Budget estimates will be subject to the vote of the legislature. So normally and where the interests of the Backward tribes remain unaffected, the prevailing conditions will be the same within it as outside this area. The Act provides for a measure of precaution in case this interest is deliberately sacrificed or is neglected for want of interest. There is certainly a lack of interest in this district in the Backward tribes and therefore I cannot recommend that it should be excluded from the category of the "Partially excluded" areas.

(10) The only area which may appear at first sight not to require protection is the coalfields in the Dhanbad subdivision. But an unprotected area smaller than a subdivision surrounded on all sides by a protected area will present administrative difficulties. Secondly this area will be difficult to define, and will be far too small being only 158 square miles. Thirdly, no area is purely industrial, entirely devoid of agricultural land. And fourthly, it has not an inconsiderable element of Backward tribes. For instance, the Jharia thana consisting of most of the collieries has a 56,590 Backward tribe population, representing 26·6 per cent. of a total population of 211,966.

2. The entire district should remain a "Partially excluded" area.

ANNEXURE E.

Report on the question whether Sambalpur District should be "partially excluded" under the new constitution.

1. *Character of the district.*—Sambalpur is almost (though not, like Angul, completely surrounded by the territory of the Feudatory States, and there is a very large aboriginal element in its population, never falling below 15 per cent. in any thana and rising to 55 per cent. in Mundher. The Khariar zamindari which is to be transferred to it from the district of Raipur in the Central Provinces is of a similar character.

It is after Angul, Palamau and Hazaribagh the most thinly populated district (230 persons to the square mile) in the province with extensive tracts of forest, and a great proportion of the population lives the life of simple forest villagers remote from contact with civilization.

This primitive character of the people (which has led to a parental form of Government) does not involve that in *all* respects they are less capable of development or responsibility. Indeed in intelligence and conduct of village affairs they may be regarded as in advance of the coastal population. But they are not in touch with modern political thought, and it will probably be some years before they understand a parliamentary system: or the desirablity of securing a true representation of their interests in the provincial Legislative Assembly. The so-called "elected representatives of the people" are likely to be lawyers of the headquarter station. Our experience is that the latter have a singularly inadequate knowledge of the laws and customs of the district: and, if they were to attempt legislation, might make serious mistakes.

2. *Present treatment of the district as a backward tract.*—By notification No. 4G, dated the 3rd January 1920 of the Government of India, Sambalpur was classified as a "backward tract": the main result being the power of Government to withhold from the district the application of ordinary Acts of the Legislature. Actually that power has been exercised since then only for the purpose of withholding the Bihar and Orissa Village Administration Act; and this not so much for the reason that the district is "backward" as that it has an individual form of village administration with which it would be difficult to reconcile the provisions of that Act.

Again, certain other Acts of the Provincial Legislature are not in force—the Bihar and Orissa Local Self-Government Act and Public Demands Recovery Act—not because it is "backward" but because it is governed by Acts of the Central Provinces under which it was administered prior to its transfer to Bengal, in 1905. It is worth observing that in the domain of Local Self-Government, the Central Provinces introduced the elective system, and non-official Chairmanship much earlier than Bihar: so that there was no case of withholding Bihar Acts on the ground that the district was not sufficiently advanced for Self-Government.

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In most other respects Sambalpur has been treated like an ordinary district. These facts are mentioned not as showing that there is no case for special treatment but as showing that there need be no fear of the Governor exercising his powers beyond the strict necessities of the case.

3. *Sentiment.*—There is no doubt that the more educated classes of Sambalpur resent—and not unnaturally resent—the stigma of being classed as "backward": and while probably the vast majority of the people are profoundly unaware of this classification and its meaning it is not difficult for agitators to represent it as an insult, and to raise an outcry that "backward" implies an accusation of inferiority. Even an aboriginal may resent being regarded as an inferior being: and indeed not a few aboriginal tribes (the Santals specially) claim superiority to their non-aboriginal neighbours. "Partial exclusion" should not carry that stigma: and the reasons for it should be carefully explained.

4. *The real case for "partial exclusion".*—The case for "partial exclusion" for a term of years rests on much more modern, and (one may reasonably think) much stronger grounds.

Sambalpur has a special individuality: a distinct system of land tenure and a distinct system of Village Administration.

That system of tenure (which includes the prohibition of transfer outside the family) and that system of village self-Government are the bulwark not merely of the aboriginal peoples, but of the whole people. They are the condition of future advancement: and it would be deplorable if attempts whether mischievous or well-intentioned to bring the district into line with the coastal tracts were to shake the foundations of those systems, as they almost inevitably would.

5. *Legislation.*—Under the prevailing scheme, while the Governor can withhold the application of ordinary Acts of the legislature, any amendments of the existing laws of Sambalpur would have to be submitted to the Legislative Council. This would have meant the determination of the laws of Sambalpur by a body 90 per cent. of whose members have no personal acquaintance with the district while, as observed above, even the local members are not really experts. Officials have therefore felt a natural reluctance to propose any alternations, in the reasonable fear that more harm than good might result. In consequence many desirable amendments have been held up.

With the inclusion of Khariar by transfer from the Central Provinces, in which many of the Acts in force in Sambalpur have been amended, the further postponement of legislation is impossible. Yet the objections to submitting bills to a legislative body which has no experience of the local problems and conditions still holds good

The power of the Governor to frame regulations, based on the advice of experts and the opinion of the people concerned, is precisely what is wanted: and such a procedure will, one submits,

be really far more in accordance with the principle of "self-determination" than the enactments of Acts by the provincial assembly. Experience suggests that members of that body are not unlikely to rush forward with amateurish bills unsupported by a study of conditions: and it is much better that the Governor should frame regulations than that he should have to intervene to veto ill-considered Acts.

6. *The future.*—It is not suggested that "partial exclusion" should be continued indefinitely. Once legislation for Sambalpur has been placed upon a sound basis, the position can be reviewed. If the Legislative Assembly shows itself to be a responsible body, and prepared to proceed on the principle that in considering any purely local legislation paramount importance should be attached to the opinion of the local people and of their elected representatives: and if these representatives show themselves capable of appreciating the local problems and real needs of the people: then there will remain no reason why future legislation should not be entrusted to it.

But we have no hesitation in saying that the foundation must be laid by administrative experts under the control of the Governor: and on this ground we recommend the "partial exclusion" of the district for the present.

D. P. SHARMA,
Deputy Commissioner of Sambalpur.

The 21st September 1935.

E. S. HOERNLE,
Commissioner of the Orissa Division.

The 21st September 1935.

Report on the retention of Angul in the list of Partially excluded Area.

1. *History and character of the district.*—Hitherto Angul has been a "totally excluded" area. The reasons for this lie largely in the history and character of the district.

It is completely surrounded by Feudatory States, formerly known as the Tributary Mahals of Orissa, and was in fact a Tributary State until its annexation in 1847, following the misconduct of the Ruling Chief. But even after its annexation it was administered in a very primitive fashion for 44 years, by the Superintendent of the Tributary Mahals with the aid of a single local "Tahsildar", until its combination with the Khasmahals to form a "district" in 1891.

Although on the basis of mere statistics the aboriginal element in the population is not very large 19 per cent. if we include 1,506 Gonds and 712 Godras, the people are far more primitive (in education and knowledge of the wider world) than their nominal fellow castemen in the Coastal Districts of Orissa: and their social customs and ways of living are more akin to those of the Feudatory States.

The percentage of male literacy in the vernaculars is only 8·53. even by the very lowest standard; and as the 332 persons recorded in 1931 as literate in English included Government Officials and their wives, it is doubtful if more than 100 of the local inhabitants know English. Even this extent of literacy is very largely a creation of the last 40 years since Angul was formally constituted a district.

2. *The legal system.*—Although the Angul Regulation of 1894 was modified and to some extent amplified in its re-enactment as the Angul Laws Regulation III of 1913, it was amended mainly in accordance with certain administrative changes and is still very limited in scope. It is concerned chiefly with setting forth—

(1) the provisions for extending to, or withholding from Angul the ordinary Acts of the Provincial and Central Legislatures;

(2) the *outline* of the system of Criminal Civil Justice;

(3) the *outline* of Revenue Administration; and

(4) the *outline* of various administrative features.

Not only is this mere outline necessarily supplemented by numbers of unpublished instructions, but there are many branches of administration upon which the Regulation does not touch at all: and the district is still largely governed by local customs and recognised usages. These customs and usages are well understood by the people. Illiterate as they are, printed codes would not materially assist them, but would only tend to drive them into the hands of legal practitioners and touts. They probably have a better, and not worse, grasp of the practical laws which govern them than the equally illiterate people of some regulation areas have of their laws

But the absence of codified law naturally gives to persons unacquainted with facts and local conditions the impression that the whole system is arbitrary, capricious and autocratic (though really as we shall see, it is in many ways democratic): and this impression might well lead to a spate of well-intentioned but ill-designed legislation, if the district were placed under the control of Ministers responsible to a popular legislature.

3. *Absence of codified laws.*—As examples of the absence of codified law, to validate recognised custom, the following cases may be cited:—

(1) *No tenancy Act has been framed* and though rights and customs have been recorded in various ways there is not (as in the Santal Parganas) any Regulation which *recognises the legal status* of recorded rights.

(2) *The Cess Act is not in force and the people do not pay Road* Cess, instead, by custom and usage having the local force of law, they contribute labour and materials for the upkeep of schools roads, grain golas, etc.

(3) *There is no Rural Police Act*: but by rules having the local force of law the Sarbarakars or village headmen possess very extensive powers, analogous to those of Sardars under the Santal Parganas Rural Police Regulation No. IV of 1910.

(4) *Primary Education.*—The duty of the village community to provide a school for the village is recognised by immemorial custom; and by agreement with the people themselves and for the more equitable distribution of the burden, an education cess is levied. But this has no statutory legality.

4. *The basis of the system.*—The foundation of the system is not really autocratic. It rests upon the fact that in Angul the village communities have survived; and therefore many branches of administration, which could in the coastal area be carried on only by public officials operating under codified laws and rules, can in Angul be conducted through Village Officials in accordance with customary usage. To give a few instances,—

(i) The village Sarbarakar collects the rents of the whole village, which obviates recourse to rent suits;

(ii) He is a police officer with the duty of surveillance over local criminals and *the power of investigating crime;*

(iii) It is the custom that persons *with private grievances* should approach him *before having recourse to the* courts;

(iv) He organises the labour on the maintenance of village roads, tanks, etc.

It will be recognised that in many respects Angul is ahead of, and not behind, "regulation districts", in which we are attempting to revive the community system, and by legal enactments (*e.g.*, the Village Administration Act), propaganda and organization of rural welfare, to secure what Angul already possesses.

There is therefore a considerable danger that ill-considered attempts at bringing Angul into line with the Coastal districts might result not only in introducing legislation for which the district is insufficiently advanced but in undermining the system in features in which, in so far as the modern tendency is towards rural development, the district is in advance of the coastal tracts.

5. *Restriction of Lawyers: usury and transfer.*—Three other notable features of the system deserve mention.

Firstly, the Angul Laws Regulations forbids the charging of compound interest: restricts simple interest to 24 per cent. per annum: and confines the total amount of interest chargeable to the equivalent of the principal sum.

Secondly, to prevent the people being exploited by money-lenders and land-jobbers, transfer and sale of lands is prohibited without the permission of the Deputy Commissioner.

Thirdly, the Legal Practitioners Act is not in force, and pleaders appear before the Courts only by permission.

Now in many parts of India popular attention has been directed to the problem of usury and rural indebtedness resulting in dispossession from land, and also to the evils of petty litigation fostered by the overcrowding of the legal profession and the employment of touts. And it might be thought that in these points the Angul system would receive support in a modern legislature. But the experience of the Santal Parganas, which has the same usury law, a similar embargo on transfer, and until some decades ago much the same restrictions upon legal practice, shows that they are likely to be a constant target of attack. The usury law is argued to restrict credit unduly; it is complained that the prohibition of transfer retards development; and any control of legal practice is denounced as denying to the people assistance in the courts.

6. *Financial position.*—Lastly, Angul is a Government Estate which *for the benefit of the people* has been run at a very considerable loss by being staffed as a District. There will continue to be a deficit even when, as contemplated, the staff is placed upon a Sub-divisional basis. And in a deficit province expenditure on Angul is likely to be eyed very jealously.

While it will be the task of Government to ensure all possible economy, reduction of cost will have to be made gradually and cautiously if the administration is not to suffer in efficiency nor the welfare of the tenants to be endangered.

7. *Summary.*—No one having any intimate knowledge of Angul will contend that there are no points on which the laws need to be clarified and codified: or that the system will never require alteration with the development of communications and education. But the points made above (and they could be largely amplified) will, we hope, be sufficient to establish that, in the immediate present and probably for many years to come, changes whether administrative or legislative—must be made with very great caution and with a very full knowledge of the history and conditions of the district. It is not so much that the district is "backward" as

that it has an individuality of its own; and that its true needs can hardly be appreciated by a Legislative Assembly the great majority of whose members will have no acquaintance with it. It will not mean "Self-determination" for Angul if its affairs are to be decided by the votes of persons who have no knowledge of Angul.

On all grounds therefore it is imperative that the development of Angul should be supervised and controlled by the Governor of Orissa, and that for this purpose he should have as free a hand as "partial exclusion" will permit.

A. F. L. SHARLING,
Deputy Commissioner of Angul.

The 19th September 1935.

E. S. HOERNLE,
Commissioner, Orissa Division,

The 19th September 1935.

ANNEX

District

Revenue Thana.	Asur.	Bhuiya.	Bauri.	Bhumij.	Birhor	Birjia.	Chik-Baraik.	Gond.	Ghasi.	Gorait.	Kisan.	Kharia.
Sadr Subdivision.												
Lohardaga	38	263	5	...	32	5	320	20	448	484	1,079	21
Kuru	...	166	...	...	8	...	...	...	124	698	...	...
Burmu	2	91	...	...	15	...	...	...	547	227	2	2
Mandar	...	12	...	...	...	...	12	...	273	1,065	...	...
Bero	15	7	4	...	...	...	476	...	57	809	...	...
Lapung	...	140	...	...	...	...	755	...	191	284	...	1
Ranchi	8	1,171	39	...	12	596	647	21	2,748	1,371	...	36
Ormanjh	...	5	...	...	...	...	59	...	528	...	...	...
Silli	...	182	19	1,156	...	...	734	...	835	...	...	...
Angara	...	16	...	...	...	...	9	...	498	...	...	...
Total	...	...	...	...	...	...	...	...	...	...	...	...
Khuru Subdivision.												
Karra	...	33	...	...	1	...	721	367	503	149	...	10
Torpa	...	...	...	...	4	...	1,241	27	576	98	...	27
Khunti	...	412	1	...	...	149	203	...	1,099	43	...	1
Bundu	...	164	...	...	62	202	55	1	1,037	...	...	20
Sonahatu	...	6	62	10	2	1	274	...	1,833	...	...	...
Tamar	...	52	21	87	120	...	65	1	1,889	...	...	12
Total	...	...	...	...	...	...	...	...	...	...	...	...
Gumla Subdivision.												
Bishunpur	275	30	...	...	11	9	515	3	161	7	480	...
Ghainpur	809	8	...	...	10	...	1,487	57	729	...	1,131	127
Ghagra	444	10	...	...	13	9	1,002	...	161	48	...	506
Sesai	...	94	...	189	6	...	1,799	1	193	119	273	2,611
Gumla	...	211	...	...	...	...	1,698	69	819	79	25	4,207
Raidih	...	27	...	...	83	163	920	...	313	...	1,279	2,741
Palkot	...	46	1	...	8	55	1,606	213	1,051	...	1,528	8,903
Basia	...	297	5	...	38	37	3,013	156	1,247	163	53	11,039
Total	...	...	...	...	...	...	...	...	...	...	...	...
Simdega Subdivision.												
Bano	...	87	...	...	...	10	2,510	1	640	15	...	1,085
Kolebira	...	135	...	...	...	3,281	2,960	1,649	879	2	...	9,290
Simdega	...	1,398	8	...	6	811	4,382	4,025	1,258	21	455	24,727
Kurdega	...	782	...	...	10	2	2,177	4,652	328	...	...	9,727
Total	...	...	...	...	...	...	...	...	...	...	...	...
District Total	1,940	5,845	165	1,442	441	15,330	29,739	11,262	20,900	5,682	6,305	75,083

URE C.

Ranchi.

Korwa	Rajwar.	Munda.	Oraon.	Santal.	Bhogta.	Binjhia.	Mahl.	Pan.	Turi.	Total population of the Thana.	Total backward population.	Percentage of backward population to total population.
...	25	1,566	56,109	22	268	5	1,649	...	426	99,298	62,785	63
...	19	1,222	17,479	1	259	...	412	2	217	32,405	20,607	63·5
6	1	5,851	2,570	496	2,699	...	600	11	78	27,475	13,198	48
...	...	1,999	35,068	...	104	...	439	6	90	58,133	39,128	67
...	14	2,346	25,966	...	166	...	425	11	44	43,010	30,340	70·5
...	...	10,235	9,000	1	151	...	193	175	147	27,264	21,273	78
...	133	27,102	67,599	38	694	596	1,032	571	75	194,007	104,579	53·9
...	...	4,272	2,190	...	626	...	421	...	...	22,261	8,101	36
2	239	5,110	357	...	253	...	1,611	81	4	43,349	10,588	24
1	407	7,847	3,938	...	1,764	...	717	6	11	34,437	15,214	44
...	...	...	...	...	...	...	...	...	...	581,639	325,813	56
...	...	22,198	9,384	...	541	...	77	409	122	43,169	34,575	80
...	...	42,872	1,060	...	468	...	30	1,026	573	60,468	47,942	79
...	...	64,045	2,195	...	1,416	149	100	2,622	203	86,840	72,728	83·7
...	10	14,800	2,270	...	...	202	615	626	...	32,882	20,064	61
...	...	8,415	441	...	20	1	1,395	512	...	43,417	12,972	29·8
...	1	65,349	1,098	40	178	...	2,016	4,142	232	107,024	75,302	70
...	...	...	...	...	...	...	...	...	...	373,800	263,583	70·5
...	...	1,643	10,401	...	53	9	280	...	116	18,370	13,993	76
...	2	2,296	37,120	...	...	...	180	...	369	56,272	44,425	78·9
831	...	1,546	24,649	3	24	9	888	...	252	38,637	30,395	78
96	1	3,934	40,331	...	128	...	1,756	21	97	70,192	51,649	73·5
...	...	827	29,145	...	354	...	1,081	...	276	56,891	38,791	68
32	...	1,335	13,592	...	313	163	48	...	254	31,519	21,272	67
159	...	1,182	6,088	...	781	55	370	24	823	33,081	22,893	69
...	3	26,608	7,975	...	504	37	296	675	520	70,514	52,736	74·7
...	...	...	...	...	...	...	...	...	...	375,476	276,154	73·5
...	...	22,231	159	...	434	10	6	29	499	40,349	27,710	68·6
...	...	26,577	1,347	...	3,228	3,281	11	...	581	61,721	53,711	87
...	14	11,777	17,483	...	2,733	811	285	68	1,214	87,689	71,476	81·5
368	...	1,045	15,086	...	306	2	69	28	301	46,475	34,883	75
...	...	...	...	...	...	...	...	...	...	236,234	187,780	79·4
1,495	869	386,420	440,100	601	18,595	5,330	17,002	11,105	7,524	1,567,149	1,053,236	67

ANNEX

District

Revenue Thana.	Bathudi.	Bhuiya.	Bhojgta.	Bhumij.	Bauri.	Birhore.	Gond.	Ho.	Karmali	Kora.	Kharia.	Kharwar.
Sadr Subdivision.												
Chakradharpur .	...	3,749	328	1,707	...	...	506	46,575	2	135	66	...
Kolhan . .	26	4,773	4	2,377	...	12	3,448	224,888	178	66	201	310
Manoharpur .	...	2,228	45	1,180	...	...	1,637	21,139	63	159	156	...
Total .	...	...	...	...	...	...	...	...	...	...	...	...
Dhalbhum Subdivision.												
Ghatsila . .	972	6,798	...	46,721	341	...	1,212	6,268	5	111	5,379	726
Jamshedpur City	...	725	3	1,073	116	...	223	2,288	1,011	2	77	410
Total .	...	...	...	...	...	...	...	...	...	...	...	...
District Total .	998	18,273	380	53,058	457	12	7,026	301,158	1,259	473	5,879	1,446

URE C.

Singhbhum.

Korwa.	Kisan.	Munda.	Turi.	Oraon.	Santal.	Savar.	Ghasi.	Mahli.	Pan.	Total population of the Thana.	Total backward population.	Percentage of backward population to total population.
...	...	32,278	168	1,698	2,061	8	2,861	880	...	133,335	93,022	69·7
49	299	962	61	3,734	2,509	1	1,289	216	10	335,644	245,413	73·
...	...	12,145	182	3,262	1,297	2	434	68	...	66,228	43,997	66·
...	...	...	...	...	...	...	...	...	...	535,207	3,82,432	71·4
123	...	4,113	...	252	102,306	749	2,998	3,204	157	310,857	182,435	59·
51	71	1,465	226	1,165	717	2	...	38	127	83,738	9,790	11·
...	...	...	...	...	...	...	...	...	...	394,595	192,225	48·7
223	370	50,963	637	10,111	108,890	762	7,582	4,406	294	929,802	574,657	61·8

ANNEX

District

Revenue Thana.	Bhuiya.	Bhumij.	Birhor.	Bhogta.	Ghasi.	Ghatwar.	Kar-mali.	Par-haiya.
Sadr Subdivision.								
Barhi	3,280	..	124	..	27	3,040	..	..
Hazaribagh	14,633	10	25	1,020	126	1,025	5	..
Bagodar	1,455	..	92	396	154	4,113	..	..
Barkagaon	6,260	..	19	6,260	165	140	212	..
Ramgarh	351	179	111	1,744	2,273	967	4,124	8
Gumla	568	..	107	22	164	1,306	514	..
Mandu	3,219	..	52	..	216	798	1,340	..
Petarbar	244	2	..	954	1,252	4,705	723	..
Kodarma	468	..	..	2	..	6,363	..	..
Total	..	..	..	..	..	..	..	..
Chatra Subdivision.								
Chauparan	12,000	..	144	305	16	1,012	..	..
Hunterganj	21,498	..	119	7,615	112	1	..	335
Chatra	10,230	..	213	4,238	128	2	..	7
Simaria	6,329	..	69	9,001	44	19	..	212
Total.	..	..	..	..	..	..	..	..
Giridih Subdivision.								
Gawan	596	..	48	1	8	7,073	..	..
Kharagdiha	331	..	..	1	10	3,449	..	..
Dhanwar	210	..	..	..	..	3,837	..	..
Giridih	1,593	..	..	26	5	8,433	..	..
Dumri	1,873	..	20	118	203	8,461	21	..
Total	..	..	..	..	..	..	..	..
District Total	85,138	200	1,143	31,703	4,903	54,744	6,939	562

URE C.

Hazaribagh.

Munda.	Oraon.	Mahli.	Rajwar.	Kora.	Santal.	Turi.	Bauri.	Total population.	Total backward population.	Percentage of backward population to total population.
15	9	..	125	..	1,836	753	..	59,110	9,209	15·5
356	785	..	45	..	1,057	1,165	..	110,873	20,262	18
126	21	27	218	2	4,247	1,451	..	84,049	12,302	14·6
1,231	3,012	..	263	..	1,999	884	..	73,370	20,445	27·8
11,089	1,087	897	1,008	..	5,500	770	77	110,441	30,185	27
1,014	140	160	340	2	10,237	876	..	44,580	15,450	34·6
1,541	144	69	701	4	8,933	800	4	47,078	17,811	37·8
1,079	43	1,289	2,947	..	25,879	1,084	529	83,643	40,730	48·6
23	48	..	239	..	807	2,164	..	107,052	10,114	9
..	..	..	..	..	..	..	..	720,196	176,498	24
..	2	..	15	..	2	518	..	73,640	14,014	19
3	46	39	..	..	29	214	5	70,958	30,016	42
43	62	..	15	..	4	374	..	57,942	15,314	26
84	1,083	..	..	..	4	585	..	36,334	17,430	47·9
..	..	..	..	..	..	..	..	238,874	76,774	32
4	5	3	2,522	..	7,413	2,432	90	72,561	20,195	27·8
48	1	155	97	68	5,492	2,692	..	99,110	12,344	12
..	..	205	2	63	891	2,251	..	87,165	7,459	8·5
164	122	945	493	54	26,266	6,133	187	155,494	44,371	28·5
1,875	404	803	452	469	28,507	5,488	184	143,957	48,878	33·7
..	..	..	..	..	..	..	..	558,287	133,247	24
18,695	7,014	4,592	9,480	662	129,103	30,634	1,026	1,517,357	386,519	25

ANNEX

District

Revenue Thana.	Bhuiya.	Bhumij.	Birhor.	Karmali.	Kharia.	Pan.	Munda.	Oraon.
Sadr Subdivision.								
Jhalda . . .	1,085	6,363	..	..	..	10	424	476
Purulia . . .	4,583	22,836	..	..	558	11	267	415
Bhagmundi . .	58	9,120	175	..	..	..	76	27
Chandil . .	4,283	26,947	..	..	539	..	91	1,099
Barabhum . .	1,305	23,547	..	..	2,251	..	750	533
Manbazar . .	67	9,534	..	..	741	..	95	86
Raghunathpur .	1,314	48	..	..	77	..	14	24
Gaurangdi . .	1,127	1,730	..	..	11	..	44	..
Para	1,944	22	..	35	10	..	4	152
Chas . . .	3,696	842	..	3	103	7	51	429
Total .	..	..	..	..	..	..	..	..
Dhanbad Subdivision.								
Gobindpur . .	103	9	..	..	..	..	16	..
Jherria . . .	8,508	2,054	..	1	77	73	267	404
Topchanchi . .	5,255	787	..	34	31	182	34	62
Nirsa . . .	414	62	133	..	..	8	25	14
Tundi . . .	1	..	..	..	..	..	6	4
Total .	..	..	..	..	..	..	..	..
District Total .	33,743	103,901	308	73	4,398	291	2,164	3,724

URE C.

Manbhum.

Santal.	Ghasi.	Ghatwar.	Kora.	Mahli.	Rajwar.	Turi.	Bauri.	Total population.	Total backward population.	Percentage of backward population to total population.
8,648	2,423	432	..	967	1,865	..	1,349	130,369	24,042	18
39,310	790	67	2,669	2,282	8,125	..	18,959	313,433	100,872	32
4,592	1,272	..	125	282	..	..	72	47,344	15,799	33
19,470	1,702	19	572	1,532	253	..	68	123,155	56,575	45·9
36,159	113	..	1,015	1,021	433	..	1,033	162,502	68,160	41·9
31,559	..	..	523	574	931	..	9,984	109,590	54,093	49
27,112	330	27	2,675	272	888	18	33,397	152,080	66,196	43·5
17,884	..	..	558	46	543	..	10,370	63,441	32,313	50·9
2,776	50	17	768	264	3,679	..	8,903	53,446	18,624	34·8
9,507	1	1,490	943	307	8,535	20	8,871	134,478	34,805	25·8
..	..	..	..	..	..	..	..	1,289,798	471,479	36
10,586	..	1,212	175	579	2,851	90	1,011	50,823	16,632	32·5
21,546	62	4,389	2,914	410	3,883	1,366	10,636	211,966	56,590	26·6
10,769	5	4,515	901	1,254	4,704	902	4,558	128,921	33,993	26
19,731	5	3,845	1,352	298	297	27	11,473	84,443	37,684	44·6
22,666	..	1,811	328	762	1,943	184	637	44,939	28,342	63
..	..	..	..	..	..	..	..	521,092	173,241	33
282,315	6,753	17,824	15,518	10,850	38,930	2,607	121,321	1,810,890	644,720	36

ANNEX

District

Revenue Thana.	Asur.	Bhuiya.	Birhor.	Birjia.	Chero.	Kharwar	Kisan.	Kora.	Mahli.
Sadr Subdivision.									
Daltonganj .	2	26,003	..	3	7,892	4.168	1	1,758	..
Garhwa . .	..	12,554	..	..	231	7,785	195	2,575	4
Ranka . .	14	8,552	..	..	62	10,844	1,065	5,522	16
Chhatarpur .	..	11,482	..	..	139	4,782	..	1	..
Patna . .	..	17,781	..	..	3,104	2,972	..	..	..
Husainabad .	1	2,455	..	..	1,480	2,304	..	314	..
Total .	..	..	..	..	..	..	..	..	..
Latehar Subdivision.									
Balumath .	..	7,169	17	19	..	14.392	14	3	52
Latehar . .	..	10,616	124	1	4,940	12,881	45	719	6
Mahuadanr .	67	774	..	1,282	58	2,996	4,973	411	184
Total .	..	..	..	..	..	..	..	..	..
District Total	84	97,386	141	1,305	17,906	63.124	6,293	11,303	262

URE C.

Palamau.

Munda.	Oraon.	Santal.	Bhogta.	Ghasi.	Par-haiya.	Raj-war.	Turi.	Total popula-tion.	Total back-ward popula-tion.	Percentage of backward population to total population.
13	5,363	1	141	73	2,254	8	373	149,760	48,053	32
..	4,236	..	5	102	1,357	925	136	130,286	30,105	23
..	2,620	..	39	271	1,203	4	290	47,262	30,502	64·5
..	995	..	107	1	767	213	6	62,809	18,493	29
15	1,825	..	245	62	690	251	152	107,528	27,097	25
35	1,696	..	..	65	534	7,767	79	143,477	16,730	11·6
..	..	..	..	..	..	..	..	641,122	170,980	26
3,047	17,454	2	6,847	571	619	..	1,407	80,851	51,613	60
30	9,262	..	102	383	2,171	2	360	63,804	41,642	66
589	14,426	..	..	558	76	18	120	32,959	26,532	84·9
..	..	..	..	..	..	..	..	177,614	119,787	67
3,729	57,877	3	7,486	2,086	9,671	9,188	2,923	818,736	290,767	36

ANNEX

District Santal

Revenue Thana.	Bhuiya.	Karmali.	Bhogta.	Khetaur.	Mal Paharia.	Munda.	Oraon.
Deoghar Subdivision.							
Deoghar . . .	5,199	8	..	16	571	141	23
Madhupur. . .	5,037	7	..	12	963	..	..
Total .	..	..	..	..	..	..	..
Dumka Subdivision.							
Dumka . . .	29,465	35	1,525	20,037	13,736	9	6
Dumka Damin . .	3,388	2	..	..	4,445	..	..
Total .	..	..	..	..	..	..	..
Godda Subdivision.							
Godda . . .	13,638	..	..	4,349	851	..	2,021
Godda Damin . .	627	..	..	818	2,878	..	..
Total .	..	..	..	..	..	..	..
Jamtara Subdivision.							
Jamtara . . .	6,075	274	..	..	1,484	..	1
Total .	..	..	..	..	..	..	..
Rajmahal Subdivision.							
Rajmahal . .	2,620	..	..	210	146	4	1,768
Rajmahal Damin .	1,859	4	1	1,324	982	75	1,997
Total .	..	..	..	..	..	..	..
Pakaur Subdivision.							
Pakaur . . .	2,385	30	..	21	3,588	..	..
Pakaur Damin . .	466	1	..	..	7,793	1	..
Total .	..	..	..	..	..	..	..
District Total .	70,759	361	1,526	26,787	37,437	230	5,816

URE C.

Parganas.

Santal.	Sauria Paharia.	Kora.	Mahli.	Rajwar.	Turi.	Bauri.	Total population.	Total backward population.	Percentage of backward population to total population.
11,153	1	217	781	407	110	451	161,422	19,078	11·8
39,714	343	47	1,982	3,623	318	2,429	185,524	54,475	29
..	..	..	..	..	..	..	346,946	73,553	21
195,181	104	559	4,800	846	..	3,818	421,735	270,121	64
29,816	2	19	1,160	21	..	..	44,422	38,853	87
..	..	..	..	..	..	..	466,157	308,974	67
62,914	209	416	885	456	500	247	298,217	86,486	29
51,122	14,684	343	983	286	310	25	89,584	72,076	80
..	..	..	..	..	..	..	387,801	158,562	41
96,482	11	623	2,578	535	8	14,180	243,858	122,252	50
..	..	..	..	..	..	..	243,858	122,252	50
10,861	167	309	319	2,328	141	964	131,862	19,837	15
116,538	29,760	19	2,336	1,399	2,117	593	199,274	159,004	79·7
..	..	..	..	..	..	..	331,136	178,841	54
95,852	1,944	752	1,030	838	86	1,130	197,177	107,656	54·5
45,171	12,666	..	833	127	54	54	78,397	67,166	85·6
..	..	..	..	..	..	..	275,574	174,822	63
754,804	59,891	3,304	17,687	10,866	3,644	23,891	2,051,472	1,017,004	49

ANNEX

District

Revenue Thana.	Bhuiya.	Gond.	Kharia.	Khond.	Munda.	Oraon.	Kisan.	Santal.	Savar.	Banjara.
Sadr Subdivision.										
Sambalpur . .	276	2,226	1,884	971	3,178	2,856	98	..	3,667	21
Jharsugra . .	2,367	7,117	1,436	785	1,460	704	3,699	..	132	12
Laikera . .	1,527	9,350	855	194	903	328	10,160	..	32	2
Mura . . .	2,238	3,865	507	551	841	29	391	..	1,215	68
Rampella . .	1,802	2,134	173	1,034	288	454	684	..	4,679	..
Katarbagha . .	688	7,436	318	220	1,416	1,282	4,048	..	337	..
Sason . . .	416	2,496	890	545	1,331	526	2,707	..	2,550	..
Dhama . .	45	1,143	351	761	96	50	13	..	5,539	13
Mundher . .	62	3,165	206	861	699	343	508	125	1,823	..
Total .	..	..	..	..	..	..	..	..	..	..
Bargarh Subdivision.										
Bargarh . .	3	573	3	263	8	..	..	..	7,520	49
Attabira . .	3	1,449	189	528	197	50	..	..	7,919	9
Sohela . .	12	295	..	1,161	13	..	..	..	7,144	249
Ambabhona .	101	1,830	352	635	19	3	..	68	5,015	..
Padampur . .	4	1,112	15	1,187	106	1	..	3,088	2,932	86
Bheran . .	..	952	..	184	9	1	46	..	4,968	..
Bijepur . .	..	1,624	..	295	1	..	..	..	3,504	122
Melchhamunda .	42	231	..	525	26	..	1	1,672	1,711	101
Gaisilat . .	..	292	..	312	..	2	..	..	1,750	71
Jagdalpur . .	..	2,456	16	768	18	11	29	56	1,899	1,002
Barpali . .	2	949	..	155	2	5	..	..	4,204	80
Bhatli . . .	3	728	106	1,135	8	33	..	..	8,399	59
Paikmal . .	17	3,345	9	1,845	..	8	12	61	2,167	168
Total .	..	..	..	..	..	..	..	..	..	..
District Total .	9,608	54,768	7,310	14,915	10,619	6,686	22,396	5,070	79,106	2,112

URE C.

Sambalpur.

Binjhia.	Ghasi.	Koli.	Kora.	Mangan.	Pan.	Turi.	Total population.	Total backward population.	Percentage of backward population to total population.
27	968	..	1,342	8	279	96	57,553	17,897	31
..	623	..	..	16	8	53	51,125	18,412	36
4	477	..	12	..	1,297	..	51,043	25,141	49
..	170	..	567	..	..	89	30,089	10,531	34·9
..	216	..	295	..	..	..	32,385	11,759	36
..	356	..	..	..	327	76	39,711	16,504	41·6
3	378	96	727	10	..	132	32,388	12,807	39·5
26	272	80	1,127	..	64	15	30,934	9,595	31
113	176	3	1,928	..	35	19	18,311	10,066	54·9
..	..	..	..	..	..	..	343,539	132,712	39
585	392	342	243	150	236	30	60,956	10,397	17
336	462	316	1,199	..	23	231	53,985	12,911	23·9
3,032	501	155	215	..	2	176	44,660	12,955	29
1,101	412	..	695	..	585	101	31,041	10,917	35
8,006	428	85	412	..	96	..	41,974	17,558	41·8
275	354	572	237	..	110	4	50,386	7,712	15
1,972	329	314	249	..	7	17	43,455	8,434	19
3,944	174	..	195	..	25	63	26,640	8,710	32·6
5,241	91	97	345	..	12	17	29,251	8,230	28
6,632	480	66	584	..	..	..	34,705	14,017	37·5
1,080	397	827	250	..	15	..	47,434	7,966	16·7
1,929	627	..	639	..	186	75	43,947	13,927	31·6
6,378	179	..	345	..	146	..	28,972	14,680	50·6
..	..	..	..	..	..	..	537,406	148,414	28
40,684	8,462	2,953	11,606	184	3,453	1,194	880,945	281,126	32

ANNEXURE C.

District—Angul.

Revenue Thana.	Khond.	Oraon.	Manda	Savar.	Pan.	Total population.	Total backward population.	Percentage of backward population to total population in the Subdivision.
Sadr Subdivision.								
Angul . . .	1,349	86	62	148	7,448		9,093	
Bantala . . .	899	134	97	94	2,564		3,788	
Jarpara . . .	659	..	278	106	2,041		3,084	
Purmnakot . .	2,495	233	13	45	798		3,584	
Chhendipada . .	1,205	538	65	229	3,258		5,295	
Total .	..	..	..	..	..	140,458	24,844	17·68
Khondmals Subdivision.								
Phulbani . .	13,589	..	..	5	4,214		17,808	
Khejuripara . .	12,380	..	..	..	4,669		17,049	
Phiringia . .	14,192	3	3	..	932		15,130	
Gochhapara . .	11,043	..	..	594	2,944		14,581	
Total .	..	..	..	..	..	82,278	64,568	78·47
District Total .	57,811	994	518	1,221	28,868	222,736	89,412	40

ANNEXURE C —*contd.*

District—Gaya.

Revenue Thana.	Oraon.	Rajwar.	Turi.	Bhogta.	Bhuiya.	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.								
Gaya town .	18	26	24	..	2,073	88,005	2,141	2
Gaya Mufassal .	147	1,578	..	..	38,081	205,417	39,806	19
Atri . .	..	2,710	..	..	7,911	100,885	10,621	10·5
Tikari . .	..	..	..	..	9,042	166,340	9,042	5
Barachatti .	..	2,757	539	1,358	29,092	131,458	33,746	25·6
Sherghati . .	..	..	..	1,923	46,423	199,288	48,346	24
Total . .	..	..	..	..	..	891,393	143,702	16·1
Nawada Subdivision.								
Nawada . .	..	22,974	..	34	2,776	313,517	25,784	8
Rajauli . .	17	11,393	827	253	1,593	84,070	14,083	16·7
Pakribarwan .	..	1,267	642	..	459	91,673	2,458	2·6
Total .	..	..	..	..	..	489,260	42,325	8·7
Jehanabad Subdivision.								
Jehanabad .	..	1	..	..	6,960	319,208	6,961	2
Arwal . .	..	2,895	..	186	370	142,730	3,451	2
Total .	..	..	..	..	..	461,938	10,412	2·3
Aurangabad Subdivision.								
Daudnagar .	..	2,747	15	..	324	137,385	3,086	2
Nabinagar .	..	954	..	..	2,522	115,335	3,476	3
Aurangabad .	9	1,185	..	360	12,666	293,151	14,220	4·8
Total .	..	..	..	..	..	545,871	20,782	4·4
District Total .	191	50,487	2,047	4,114	160,382	2,388,462	217,221	9·1

ANNEXURE C.—*contd.*

District—Champaran.

Revenue Thana.	Oraon.	Tharu.	Bhuiya.	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.						
Motihari . . .	..	4	..	213,890	4	..
Adapur . . .	..	3	..	202,722	3	..
Dhaka (Ramchandra) .	..	16	..	323,224	16	..
Kesariya . . .	..	3	..	200,870	3	..
Madhuban . . .	..	..	..	111,212	..	..
Gobindganj . .	..	3	..	186,871	3	..
Total .	..	..	..	1,238,789	29	..
Bettiah Subdivision.						
Bettiah . . .	..	31	..	418,589	31	8
Bagaha . . .	5,283	13,042	654	34,758	18,979	10
Shikarpur . . .	1,664	24,236	..	253,551	25,900	..
Total .	..	..	..	906,898	44,910	.
District Total .	6,947	37,338	654	2,145,687	44,939	2·1

ANNEXURE C —*contd.*

District—Bhagalpur.

Revenue Thana.	Munda.	Oraon.	Santal.	Bhuiya.	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.							
Bhagalpur . .	..	..	20	15	..	35	2
Sultanganj . .	..	..	2,217	1	110,107	2,218	..
Bhagalpur City .	11	4	353	60	204,741	428	..
Colgong . .	..	623	2,381	2,437	211,452	5,441	2
Bihpur . .	..	..	3	13	115,106	16	..
Total .	..	..	..	..	641,406	8,138	1·2
Supaul Subdivision.							
Supaul . .	..	393	220	93	384,789	706	..
Partapganj .	..	3	..	7	124,200	10	..
Total .	..	..	..	..	508,989	716	..
Madhipura Subdivision.							
Bangaon . .	..	2	..	1	164,595	3	..
Madhipura . .	25	4	1,323	15	274,262	1,367	..
Kishanganj. .	..	..	705	59	172,822	764	..
Total .	..	..	..	..	611,679	2,134	..
Banka Subdivision.							
Amarpur . .	..	..	587	2,413	159,013	3,000	1·8
Katoria . .	2	2	13,807	8,887	133,019	22,698	17
Banka . .	..	..	9,183	14,428	180,526	23,611	13
Total .	..	..	..	..	472,558	49,309	10·4
District Total .	*38	1,031	30,799	28,429	2,242,129	60,297	2·7

*The total however has been shown as 41.

ANNEXURE C.—*contd.*

District—Monghyr.

Revenue Thana.	Kora.	Munda	Oraon.	Santal.	Bhuiya	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.								
Gogri . . .	14	..	..	..	2	464,258	..	..
Monghyr . .	..	3	1	720	48	179,396	..	..
Jamalpur . .	..	..	..	..	..	30,346	..	..
Surajgarha . .	829	..	..	314	..	75,898	..	..
Lakhisarai . .	258	..	..	57	..	133,824	..	..
Kharagpur . .	228	..	..	3,853	127	161,405	4,208	2·6
Shaikhpura . .	13	..	..	133	..	159,986	..	..
Total .	..	..	..	..	..	1,205,113	4,208	..
Begusarai Subdivision.								
Teghra . . .	2	..	..	275	490	232,639	767	..
Begusarai . .	..	..	..	..	..	411,606	..	..
Total .						644,245	767	
Jamui Subdivision.								
Sikandra . .	7	..	..	97	23	117,621	..	..
Jamui . . .	698	..	..	4,240	144	162,461	5,082	3
Chakai . . .	263	..	..	16,849	4,682	157,714	20,798	13
Whole district . .	..	..	..	204	..	..	..	..
Total .	..	..	..	..	..	437,796	25,880	5·9
District Total .	2,312	3	1	26,742	5,516	2,287,154	34,574	1·5

ANNEXURE C —*contd.*

District—Purnea.

Revenue Thana.	Bhuiya.	Munda.	Oraon.	Santal.	Turi.	Total population.	Total backward population.	Percentage of backward population to total population.
Araria Subdivision.								
Araria . .	..	..	..	315	4	228,676	31	..
Forbesganj .	..	..	22	177	8	177,791	207	..
Raniganj .	..	79	181	640	..	107,700	900	..
Total .	..	..	..	..	..	514,167	1,426	..
Kishanganj Subdivision.								
Kishanganj .	..	33	..	518	..	129,260	551	..
Bahadurganj .	..	..	..	911	2	198,200	913	..
Islampur .	28	245	1,474	3,293	39	233,117	5,078	2
Total .	..	..	..	..	..	560,577	6,542	1·1
Sadr Subdivision.								
Purnea . .	1	224	5,076	1,100	182	157,110	6,583	4
Amaur . .	..	..	46	489	..	137,369	535	..
Dhamdaha .	51	337	2,543	14,254	218	266,583	17,403	6·5
Korha . .	42	3,212	2,156	5,775	879	147,272	12,064	7·8
Gopalpur .	..	19	298	5,239	123	61,011	5,679	9
Kadwa . .	46	95	429	3,472	205	174,841	4,247	2
Katihar .	667	574	5,890	10,002	1,297	160,546	18,430	11
Whole district	..	..	..	810	..	..	810	..
Total .	..	..	..	..	..	1,104,732	65,751	5·9
District Total.	835	4,818	18,115	46,995	2,957	2,179,046	73,719	3·4

ANNEXURE C —*contd.*

District—Cuttack.

Revenue Thana.	Savar.	Oraon.	Santal.	Bhuiya.	Bhumij.	Bauri.	Pan.	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.										
Cuttack . .	7,436	68	...	13	...	17,642	10,721	237,148	35,880	15
Banki . .	5,110	...	...	...	...	2,894	1,334	84,406	9,338	11
Salipur . .	1,367	...	...	...	...	12,729	13,810	266,449	27,906	10
Tirtol . .	45	...	...	...	...	7,472	1,522	193,491	9,039	4·6
Jagatsinghpur .	...	1	...	...	...	33,674	2,311	306,497	35,986	11·7
Total .	...	...	...	...	...	...	...	1,087,991	118,149	10·8
Kendrapara Subdivision.										
Kendrapara .	...	...	...	...	...	2,987	5,554	248,069	8,541	3
Patamundi .	124	...	...	...	...	434	2,508	127,112	3,066	2
Aul or Rajbari	297	...	...	...	...	16	3,908	121,317	4,221	3
Total .	...	...	...	...	...	...	...	496,498	15,828	3·2
Jajpur Subdivision.										
Jajpur .	496	...	...	8	1	19	31,389	281,789	31,913	11
Dharamsala .	18,513	2,000	1,073	59	3,209	686	43,048	310,429	68,588	22
Total .	...	...	...	...	...	...	...	592,218	100,501	16·9
District Total .	33,388	2,069	1,073	80	3,210	78,553	116,105	2,176,707	234,478	10·7

ANNEXURE C.—*contd.*

District—Balasore.

Revenue Thana.	Savar.	Oraon.	Santal.	Bhuiya	Pan.	Bhumij.	Total population.	Total backward population.	Percentage of backward population to total population.
Bhadrak Subdivision.									
Bhadrak . . .	437	...	35	3	20,180	442	171,884	21,097	12
Basudebpur . .	...	...	...	...	3,920	...	78,757	3,920	5
Dhamnagar . .	203	4	2	...	14,432	203	133,711	14,844	11
Chandbali . . .	2	...	...	...	1,686	...	62,419	1,688	2·7
Total .	...	...	...	...	...	...	446,771	41,549	...
Sadr Subdivision.									
Soro	430	...	16	84	14,215	359	191,755	15,104	7·8
Balasore . . .	4	...	3,864	...	3,459	708	111,759	8,035	7
Jaleswar . . .	11	1	7,517	7	348	1,701	56,899	9,585	16·8
Baliapal . . .	196	2	1,101	...	11	828	108,107	2,138	2
Basta . . .	22	538	2,909	82	1,294	1,703	75,309	6,548	8·6
Total . .	...	...	...	...	...	...	543,829	41,410	9·2
District Total . .	1,305	545	15,444	176	59,545	5,944	990,600	82,959	8·3

ANNEXURE C.—*contd.*

District—Puri.

Revenue Thana.	Khond	Oraon.	Santal.	Savar.	Bhuiya.	Pan.	Bauri.	Total population.	Total backward population.	Percentage of backward population to total population.
Sadr Subdivision.										
Puri . . .	2	12	311	450	1	1,056	18,772	255,821	20,604	8·5
Gop . . .	...	...	...	...	...	217	14,820	128,914	15,037	11·6
Pipli . . .	...	...	...	98	...	2,190	37,967	272,890	40,255	14·7
Total .	...	...	...	...	...	...	...	657,625	75,896	11·5
Khurda Subdivision.										
Khurda . . .	28	...	...	21,437	...	1,641	13,691	262,560	36,797	14
Banpur . . .	1,866	...	...	1,770	13	1,207	1,546	114,969	6,402	5·5
Total .	...	...	...	...	...	...	...	377,529	43,199	11·4
District Total .	1,896	12	311	23,755	14	6,311	86,796	1,035,154	119,095	11·5

LETTER FROM THE GOVERNMENT OF CENTRAL PROVINCES, TO THE GOVERNMENT OF INDIA, NO. C./1747/853-R., DATED THE 11TH OCTOBER 1935.

I am directed by the Governor in Council to refer to Government of India Reforms Office Express letter No. 4/35-G. (*b*), dated the 2nd July 1935. As requested by the Government of India, a detailed examination has been made under the orders of the local Government in order to determine the areas which should be declared to be excluded or partially excluded for the purpose of section 91 of the Government of India Act, 1935. After examination of the proposals made the Governor in Council has the following observations to offer:—

2. *Excluded Areas.*—There are in this province no areas which have been declared to be backward tracts under the provisions of section 52-A. (2) of the present Government of India Act. Certain areas, however, are excluded from the franchise, as they were not included in any of the constituencies formed under the Central Provinces Electoral Rules and the Berar Electoral Rules.

Those areas are:—

(1) The Sironcha Tahsil of the Chanda district.

(2) The scheduled districts enumerated in Part VI of Schedule I of the Scheduled Districts Act, 1874.

(3) Eight Zamindaris in the Chhattisgarh Division.

(4) The Melghat taluq of the Amraoti district.

The district of Mandla (excluding the town of Mandla) was not included in any constituency until the year 1926.

None of the above areas are in as backward condition as the areas originally shown as excluded areas in Part I of the Sixth Schedule to the New Government of India Bill, nor are they so situated that they can be administered separately with convenience. Their history, in fact, is one of joint administrations with the rest of the province and not of separation. *Prima facie*, therefore, there is no case for treating them as excluded areas. Moreover the Governor in Council is strongly of opinion that under the new Constitution the more backward areas will receive much more attention and assistance if they are administered on the advice of elected Ministers than if they are entirely divorced from the more advanced areas by which they are surrounded. Under Section 52 (1) (*c*) and (3) of the new Government of India Act a special responsibility is laid on the Governor as regards partially excluded areas, and he is able to take action with regard to them according to his individual judgment. There will thus be no difficulty in securing that the interests of the less advanced tracts are not neglected. The Governor in Council recommends therefore that action should be taken by means of partial rather than total exclusion.

3. The Central Provinces and Berar is divided into 19 districts. In those of Nagpur, Wardha, Saugor, Bhandara, Akola, Buldana

and Yeotmal the percentage of members of primitive tribes is small, and where they are found they have no separate tribal existence, but form part of the general population. The whole of these seven districts are at present in the enjoyment of the franchise. The Governor in Council does not consider there is any case whatsoever for declaring any portion of them to be excluded areas.

4. The remaining districts are examined in detail below. Considerable assistance in dealing with the problem will be derived from the social map of the Central Provinces prepared at the last Census, and from Appendix I to the Central Provinces and Berar Census Report for 1931, which describes the distribution of the principal communities of the Province. In the map the most backward areas are the Indian States with which this reference is not concerned. In studying the statistics it must be remembered that the distinction between members of primitive tribes who practice tribal religions and those who have become Hinduised is often scarcely perceptible; and in consequence it has been impossible in the past to maintain uniformity throughout the province in deciding where the line is to be drawn. The statistics of primitive tribes have therefore been considered as a whole, and not as subdivided in the map and the Appendix to the Census Report.

5. *Chanda district.*—(*i*) At present the *Sironcha Tahsil* and 16 of the Zamindaris enumerated as Chanda zamindaris in Part VI of Schedule I to the Scheduled Districts Act are excluded from the franchise.

The remaining four Zamindaris shown in the schedule, namely, Aundhi, Koracha, Panabaras and Ambagarh Chowki, have now been transferred to the Drug district. The Sironcha tahsil Khalsa owes its present exclusion from the franchise to the fact that it is cut off from the rest of the province by the Ahiri Zamindari. The country is fairly open and fertile, and the population is 32,228, of which only 6,928 or 21·5 per cent. are members of backward tribes. There is no case now for declaring it to be a partially excluded area.

(*ii*) *The Ahiri Zamindari.*—This tract has a population of 40,450, of whom 30,294, or 74·9 per cent., belong to primitive tribes. In the Appendix to Table XVIII, Part A, of the Central Provinces Census tables the number of Marias residing in the Sironcha tahsil, of which the Ahiri Zamindari is a part is 19,065, and although separate figures are not given the majority of these belong to Ahiri Zamindari and not to Sironcha Khalsa. The Marias belong to one of the most backward and primitive tribes in the province, and their presence in any area in considerable numbers adds strength to the claim for special treatment. The Governor in Council recommends that the Ahiri Zamindari in the Chanda district should be declared to be a partially excluded area.

(*iii*) *Garchiroli Tahsil.*—This tahsil consists of 15 Zamindaris, Nos. 4-8, 10, 11 and 13-20 in Part VI of Schedule I to the Scheduled Districts Act, and of the Khalsa area. No separate statistics are available for the two portions of the tahsil, but for the whole area the population is 170,090, of which 61,957, or 36·2 per cent. belong to primitive tribes The proportion of the latter is much higher in the

zamindaris than in the Khalsa, and from Part A of the Appendix to table XVIII of the Central Provinces Census Tables it is seen that there are in Garchiroli 15,573 of the very backward Marias. In fact the bulk of this tribe resides in this area in Ahiri Zamindari. Although therefore, owing to the form in which they are compiled the population statistics do not present as strong a case as that of the Ahiri Zamindari, the Governor in Council inclines to the view that the Zamindaris of the Garchiroli tahsil of the Chanda district should be declared to be partially excluded areas. He is fortified in this view by the recommendation made later for similar treatment for the remaining four Zamindaris which are now in the Drug district.

The remainders of the district contains only 12·0 of primitive tribes, and does not require separate treatment.

6. *Chhindwara.*—(*i*) The tract known as the *Chhindwara Jagirdaris* consists of the 11 Jagirdaris shown in Part VI of Schedule I to the Scheduled Districts Act, with the exception of Chhater and Bariam-Pagara and a portion of Pachmarhi, which now form part of the Hoshangabad district. The population is 77,491, of whom 59,067 or 66·2 per cent., belong to primitive tribes. The area does not at present enjoy the franchise and is backward and undeveloped. The Governor in Council accordingly recommends that it should be declared to be a partially excluded area. The remainder of the old Chhindwara district is fairly open and well developed, containing only 32·1 per cent. of primitive tribes. No case for special treatment exists.

(*ii*) The old *Seoni district*, now a part of Chhindwara, consists of the Seoni and Lakhnadon tahsils. The percentage of primitive tribes is 34·4 in the former and 51·2 in the latter. The area is particularly well served by communications, both by rail and road, and is more advanced than the percentage of primitive tribes indicates. It does not require special treatment.

7. *Betul.*—The Multai tahsil has a population of 170,592, of whom 30,555, or 17·9 per cent., belong to primitive tribes. In the Betul and Bhainsdehi tahsils combined the corresponding figures are 235,669 and 121,799 or 51·6 per cent. The district contains a considerable area of open country, and the areas adjoining the Melghat and the Chhindwara districts in which primitive tribes predominate, are not in themselves of sufficient magnitude to justify special treatment. The whole district at present is in enjoyment of the franchise and the Governor in Council does not consider that there is a case for declaring any portion of it to be a partially excluded area.

8. *Jubbulpore.*—The only area which can be considered for partial exclusion is the Kundam Revenue Inspector's Circle, which adjoins the Niwas tahsil of the Mandla district. No separate statistics are maintained for this area, but the percentage of primitive tribes of the total population in the Jubbulpore tahsil of which it forms a part is 21·8. Kundam the headquarters is connected with the town of Jubbulpore by a good road and the area is too small for separate treatment. The Governor in Council, therefore, has no recommendation to make as regards this district.

9. *Mandla.*—The district of Mandla was excluded from the franchise until the year 1926, but since that time has elected a representative to the local legislature. There are no Zamindaris or Jagirdaris in the district, and it is the most backward Khalsa area in the Central Provinces proper. The Census statistics are as follows:—

	Population.	Primitive tribes.	Percentage.
Mandla tahsil	190,109	97,383	51·2
Dindori	139,798	98,202	70·2
Niwas	115,859	78,136	67·4

The smaller percentage of primitive tribes and the experience of officers familiar with the district indicate that the Mandla tahsil is appreciably less backward than the rest of the district, and in the opinion of the Governor in Council it will be sufficient if the Dindori and Niwas tahsils are declared to be partially excluded areas.

10. *Hoshangabad.*—The district consists of the two former districts of Hoshangabad and Narsinghpur. The country is open except on the slope of the Satpura hills, and the highest percentage of primitive tribes is 17·4 in the Sohagpur tahsil. There is no backward area of sufficient magnitude to be considered by itself for special treatment. The Zamindaris of Chhater, Bariam-Pagara, and a portion of Pachmarhi, which have been transferred to the district from Chhindwara, require consideration owing to the fact that they are scheduled districts at present. These areas, however, have developed faster than the other Zamindaris owing to their proximity to Pachmarhi, the summer capital of the Province, and the consequent demand for labour and supplies, and their villages are scattered and their areas are inconsiderable. The Governor in Council does not recommend any portion of the Hoshangabad district for partial exclusion.

11. *Nimar.*—The highest percentage of primitive tribes found in the Nimar district is 35·3 in the Harsud tahsil; while it is 18·8 in Burhanpur and 14.8 in Khandwa. The only areas which can be described as backward are the portions of the district contiguous to the Melghat. Those areas, however, are definitely less backward than the Melghat, having received an influx of more advanced cultivators when certain forest lands were thrown open to cultivation in the early years of the present century. The Governor in Council does not consider that partial exclusion of any portion of the district is justified.

12. *Raipur.*—The Zamindaris of Khariar, Bindra Nawagarh, Fingeshwar and Bhuljhar are scheduled districts, and those of Deori, Suarmar, Narra and Kauria are excluded from the franchise. The opening of the Raipur-Vizianagram railway has contributed appreciably to the development of these areas, and this factor will operate with increasing strength in the future. The degree of backwardness varies considerably from Zamindari to Zamindari, and as

the relevant Census statistics are not subdivided by Zamindaris it is necessary to supplement them by the local knowledge of officers who have served in the district. The Suarmar, Narra and Khariar Zamindaris have a population of 193,911, of which 66,145, or 34·1 per cent., belong to primitive tribes. Khariar is the largest and most important of these Zamindaris. There is now a railway station (Khariar Road) on the borders of the Zamindari, which is comparatively open and developed; it is to be transferred to be new province of Orissa, but the Governor in Council takes the opportunity to record his opinion that it is not necessary to declare any of these three Zamindaris to be partially excluded areas. Of the remaining Zamindaris Deori and Bindra Nawagarh are the most backward. Deori is a small area of only 85 sq. miles. It has been for some time, and is expected to continue for some time longer, under the management of the Court of Wards. For practical purposes this enables the local authorities to cater for the needs of the inhabitants. In the opinion of the Governor in Council it is therefore not necessary to make special arrangements for this small and isolated area. Bindra Nawagarh is a large but sparsely populated Zamindari with a population of 89,283, of whom 43,659, or 48·9 per cent., belong to primitive tribes. Its backwardness is undoubtedly partly due to the maladministration of its Zamindars. It has recently been taken under the Court of Wards, and it is hoped that an improvement will result. In view of the preponderance of inhabitants not belonging to primitive tribes, the Governor in Council does not consider it necessary that this Zamindari should be declared to be a partially excluded area. The census statistics give a joint population for Deori, Kauria and Phulihar of 212, 077 of whom 40·3 per cent. belong to primitive tribes. The highest population occurs in Deori, and the other two Zamindaris are not so backward as to necessitate consideration for partial exclusion. The Zamindari of Fingeshwar is similar to the surrounding Khalsa area with which it is classified in the statistics. It is within easy distance of rail head at Rajim on the Mahanadi and of the Raipur-Vizianagram line. It cannot be classed as backward. There are thus no areas in the Raipur district that should be treated in this manner.

13. *Bilaspur.*—The most backward areas in the Bilaspur district are the Zamindaris, of which there are ten. Nine of these, namely, Pendra, Kenda, Matin, Lapha, Uprora, Chhuri, Korba, Pandaria and Champa are scheduled districts, while the tenth, Kanteli, is not enfranchised. Kanteli and Champa form part of the open country and do not differ to any great extent from the surrounding Khalsa. The same is true of the major portion of Pandaria, in which primitive tribes only form 16·9 per cent. of the population. The remaining seven Zamindaris, which are known as the Satgarh, constitute a well defined and compact territory 3,549 sq. miles in extent, stretching across the northern portion of the district. Separate Census statistics are not available, but the population of Pendra and Kenda is 119,771, of whom 68,218, or 57 per cent., belong to primitive tribes. The total population of the Zamindaris is 333,012 and the proportion of primitive tribes cannot vary largely from

Zamindari to Zamindari. The whole area is backward and undeveloped, and the Governor in Council recommends that it should be declared to be a partially excluded area. The Katghora tahsil has a population of 214,718 of whom 54·2 per cent. belong to primitive tribes, but the area is not so backward as the neighbouring Zamindaris which have been recommended for partial exclusion. It at present enjoys the franchise, and the Governor in Council does not consider that special measures are necessary for it.

14. *Drug.*—The only portion of the Drug district in which primitive tribes predominate is the Sanjari tahsil Zamindari area. The population is 106,108, and 65,003, or 61·2 per cent. belong to primitive tribes. The area, however, is not all equally undeveloped, and the Governor in Council considers that only the four Zamindaris which have been transferred from the Chanda districts, *viz.*, Aundh Koracha, Panabaras and Ambagarh Chowki, should be declared to be partially excluded. They will form a compact area with the Zamindaris of the Garchiroli tahsil of the Chanda district, which they adjoin.

15. *Balaghat.*—The district is open and well developed, except for the Baihar tahsil, which has a population of 99,092 of whom 55,340, or 55·8 per cent. belong to primitive tribes. There is however, a considerable sprinkling of advanced cultivating classes, and the area, which is a grazing centre, has considerable connection with the more developed country. The Governor in Council does not consider that it is necessary to declare it to be partially excluded.

16. *Amraoti.*—The major portion of the Amraoti district, like the rest of Berar, has an enterprising and progressive population. But conditions are different in the hilly portion in the north of the district known as the Melghat. The inhabitants of this tract number 47,847, of whom 33,909 or 70·8 per cent. belong to primitive tribes. Of these 30,273 are Korkus, who intermix with the neighbouring population to a much smaller extent than many other tribes in the same category. The area is very backward and undeveloped, and the Governor in Council considers that it should be declared to be partially excluded.

The areas recommended for partial exclusion thus fall into 4 compact groups, (1) to Zamindari area stretching across the Chanda and Drug districts, (2) the maior portion of the Mandla district;(3) the upland Zamindaris of the Bilaspur district known as the Satgarh, (4) the Chhindwara jagirs, and (5) the Melghat in Berar.

LETTER FROM THE GOVERNMENT OF THE CENTRAL PROVINCES, TO THE GOVERNMENT OF INDIA, No. 469-956-R., DATED THE 16TH NOVEMBER 1935.

Copies of reports by Deputy Commissioners and Commissioners are forwarded herewith. It will be seen that only officers who have advocated total exclusion for any area are the Deputy Commissioners of Mandla and Betul. Both officers are comparatively young and inexperienced, and their opinions should be discounted.

2. In modifying the proposals of district officers as regards partially excluded areas Government has been influenced mainly by the consideration that small and scattered areas within existing administrative limits are not suitable for separate treatment.

COPY OF MEMORANDUM No. 2802/A, DATED THE 21ST SEPTEMBER 1935, FROM THE COMMISSIONER, NAGPUR DIVISION, TO THE SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, REFORMS DEPARTMENT.

A copy of a letter addressed to all Deputy Commissioners was sent to Commissioners for information only, and the opinion of Commissioners on the proposals was not asked for. No doubt Commissioners have already expressed their opinions on the general question in reply to Chief Secretary's General Administration Department letter No. C-195-IV, dated the 5th May 1934. But, I venture to think that their opinion on the more restricted subject of the present reference in the light of the reports of Deputy Commissioners may be of some value, and this is my excuse for the observations which follow.

2. The question raised in the present reference is whether it is necessary or desirable to treat certain areas in the Province, and if so which areas, as wholly or partially excluded areas within the meaning of clauses 92 (1) and (2), read with clauses 78 (3), 79 (1), 52 (1) (*c*), 52 (3), and 80 (1) of the Government of India Act. The opinions of Deputy Commissioners may be summarised as follows. The Deputy Commissioners, Nagpur and Wardha, do not consider it practicable wholly or partially to exclude any area in their districts. The Deputy Commissioner, Chanda, is opposed to any exclusion whatever of aboriginal tribes in any part of the Province. The Deputy Commissioner, Betul, proposes total exclusion of certain areas, not very clearly defined, in the Bhainsdehi and Betul tahsils, and the Deputy Commissioner, Chhindwara, proposes the partial exclusion of the Chhindwara and Amarwara jagirs. Unfortunately, the Deputy Commissioner, Chhindwara, has not reported the distribution of population, or discussed the question of the proportion of aboriginal tribes to non-aboriginal people in the areas recommended.

3. It is not perhaps necessary for me to discuss at length the justification for special treatment of areas, where the aboriginal tribes predominate. I have already indicated my opinion at some length in my memorandum No. 1730-Q, dated the 22nd October 1934, to which I would invite a reference. I am strongly of opinion that the

aboriginal tribes require special protection and special administrative treatment wherever it is practicable to give them this, and the only object of confining such special measures to certain areas where members of these tribes predominate is the great difficulty of applying it to members of the tribes where they are scattered among a predominantly Hindu population. It is, of course, also true that members of the aboriginal tribes are more primitive, more specialised in their customs and more greatly differentiated from their Hindu neighbours in such areas. It is not their backwardness in education alone which makes it undesirable, in my opinion, to extend the franchise to them. If the criterion of literacy were applied, a very large proportion of the non-aboriginal voters of the future would be disfranchised. It is rather their primitive and undeveloped intelligence, the narrowness of their interests, the simplicity of their outlook and their unfamiliarity with modern forms of Government which render them unsuited for the exercise of the vote in a modern democratic constitution. There are so few members of these tribes who are sufficiently advanced to make it possible for them, even to stand for election for the Legislative Council, that it is almost certain that the extension of the franchise would result in the election of non-aboriginal candidates to represent these aboriginal areas. Such members would have little understanding of or sympathy with the grievances and desires of the tribesmen who would themselves be incapable of controlling their so-called representative in any effective manner. Moreover the property qualification would debar the vast majority of aborigines in these areas from the franchise altogether. In any case, as I pointed out in the previous reference to introduce, for example the Marias of the Ahiri Zamindari to the ballot box and the modern electoral machine would be virtually equivalent to imposing a system of Government, suited perhaps to a highly sophisticated twentieth century civilisation, upon a people who have barely emerged from the stone age. It is too easily forgotten or overlooked that the Marias, for example, are practically primitive savages, who go about virtually unclothed and live by hunting with the spear and bow and arrow. Mr. Desai's remark about their assimilation with the more sophisticated Gond population gives, in my opinion, an entirely misleading impression. In a few Maria villages near the more open tracts, there are traces of the adoption, not of more civilised customs, but of the more superficial customs of their neighbours. So far from there being any assimilation, the adoption of Gond or Hindu customs is, in my opinion, extremely slight and probably has no significance whatever. But even if there had been anything like assimilation, it appears to me nothing short of ludicrous to suggest that even the more sophisticated Gonds could, by any stretch of language, be described as civilised. The Gonds themselves are a simple and attractive, but primitive, people, many of whose tribal customs appear to an Englishman to be preferable to those of the Hindu masses, but who cannot be deemed to have anything approaching a culture of their own. The important point, however, is that nearly all officers who have been in close contact with Marias,

Gonds and Korkus agree that they are totally incapable of apprehending the meaning of an election or of representative Government, and have not even that understanding, which is now comparatively common among their Hindu neighbours, of the working of the criminal and civil law courts. It is notorious that their ignorance and unsophistication make them easy prey to the rapacities of the alien landlord and money lender. Their high sense of honour forbids them to deny an obligations to which they have attached their thumb-mark and they will cheerfully acknowledge a debt shown in a bond as Rs. 200 when the amount of cash they received was Rs. 50 or less. It is doubtful if many of them can apprehend any sum in excess of Rs. 40 or Rs. 50.

4. It may be as well here to deal briefly with the argument adduced by the Deputy Commissioner, Chanda, who advocates a policy of what he describes as blending and levelling, rather than of segregation and maintenance of the *status quo* or perpetuation of the differences and backwardness of the aboriginal tribes. To begin with, I would most emphatically traverse the suggestion that the policy of Government should be to secure a dead-level of homogeneity. The perpetuation of differences of race, tribe and culture does not necessarily imply complete stagnation. The only way to assist the aboriginal tribes on the road to advancement is not to assimilate them to their Hindu neighbours, any more than it is to convert them to Islam or Christianity. I can see no reason why all that is good in tribal custom should not be retained and encouraged and sublimated. I can see no reason why the education of the people, the spread of literacy, the inculcation of hygiene and sanitation, the improvement of agricultural methods and the like should not be accompanied by retention of the customs of adult marriage, the absence of taboos on food and drink and the simple but in many ways admirable moral code which distinguishes these tribes.

5. It may be asked however, at this stage what advantage is to be gained by exclusion or partial exclusion, even if it be granted that the tribes are unfitted for enjoyment of the franchise and representation in the Legislative Council. The answer, of course, is that either course would enable the Government, who can safely be assumed to be an impartial authority above the reason of the influence of party politics, to determine whether any new legislative enactments were suited for application to these areas. It would enable him to provide for suitable modification of existing laws to suit the special needs of these peoples and to see that their interests were protected. I have already discussed in the previous reference the striking example of Mr. Jaiswal's Gond Succession Bill. It is becoming increasingly obvious that certain modifications of the Excise ond Forest laws are also needed. The real danger, however, is that with the transfer of land revenue and law and order to popular Ministers, far-reaching legislative changes may take place which would affect the welfare of the aboriginal tribes adversely. It is difficult at present to foresee the effect of the transfer in question, and it may take some years before its full effects become visible.

It will not be denied, however, that it is a very momentous experiment and that the aboriginal tribes are not in a position to protect themselves against any adverse consequence. It would surely, therefore, be a matter of ordinary prudence for Government to take steps for their protection during the interim period, while the legislative councils and their representatives in the Ministry learn to appreciate and make use of the vast new responsibilities which are being entrusted to them.

6. I assume then, (1) that the aboriginal tribes, at least in those areas where they predominate, are unsuited to the exercise of the franchise, (2) that they require special protection against exploitation by the more advanced sections of the population, (3) that certain modifications, not only in administrative practice but in actual legislation, are needed to secure their welfare and contentment, and (4) that these objects can only be achieved by exclusion or partial exclusion. After careful consideration, I am of opinion that partial exclusion is perhaps preferable to total exclusion, since it would bring the Minister into touch with aboriginal problems and might be expected to have the result eventually of familiarising the representatives of the people with the special conditions and difficulties of the aboriginal areas. I do not think the Governor's final decision of a specific question for which he had a special responsibility would be hampered in any way by his obligation to consult the Ministers; on the contrary, their advice might be of great value, and the final decision would be his, no less than if the areas were totally excluded. My conclusion, therefore, is that these areas where there is a predominantly aboriginal population should be partially excluded from the operations of the Government of India Act.

7. Which areas come under the above description is a question of fact. *Prima facie*, there appear to be no such areas in the Nagpur and Wardha districts. In Chhindwara obviously the Jagirs in the Chhindwara and Amarwara tahsils which are among the schedule districts come under this category. The Deputy Commissioner has not dealt with the question of the Lakhnadon tahsil of the Seoni Sub-division; but it is probable that there is no compact area there which is mainly inhabited by aborigines. In the Chanda district, the Ahiri Zamindari and all the other Zamindaris of the Garchiroli tahsil would come within this category. There is a considerable population of aborigines also in the rest of the Sironcha tahsil, but it will probably not be practicable to separate it from the Hindu inhabitants for the purpose of partial exclusion. The Betul district presents the chief difficulty. Provisionally I would propose the partial exclusion of the whole of the Melghat, the bulk of the Bhainsdehi tahsil, the Saoligarh, Bawargarh, Asir and Ranipur ranges of the tahsil, and the Dabka range of the Multai tahsil.

8. Lastly, I should like to repeat the plea made in my previous letter for the appointment of a special officer as Protector of Aborigines. Without some such provision, there is no assurance that systematic measures will be taken for the development of these

backward tracts and in particular for their gradual introduction to the electoral system, so as to enable them to take their part in the political life of the Province as a whole in due course. The partial exclusion I propose is not permanent: it might be applied in the first instance, I suggest for a period of twenty years, during which time systematic efforts should be made by an officer deputed for the purpose to raise the cultural and economic level of the inhabitants of these tracts and familiarise them with the electoral machinery through the establishment of independent local boards, village panchayats and similar institutions.

LETTER FROM THE DEPUTY COMMISSIONER, NAGPUR, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. Q., DATED THE 11TH SEPTEMBER 1935.

I have the honour to inform you that I have carefully examined the question of the advisability of excluding or partially excluding any area in this district. There is a definite backward tract comprising parts of the Mansar and Parseoni Revenue Inspector's circle of the Ramtek Tahsil, and of the Khapa Revenue Inspector's circle of the Saoner Tahsil. The tract extends roughly from the east of Chorbaoli in the Ramtek tahsil to the west of Nagalwadi in Saoner. Roughly there are about 135 villages in this tract. The population of aborigines is however only about 4,000. They are settled mostly in the more remote parts of the forest area, and are almost entirely illiterate. In the 119 villages of the Ramtek tahsil concerned, only about 30 aborigines can read and write, although there are five schools in the tract. The total number of cultivators in these 119 villages belonging to the aboriginal tribes who are eligible for voting is 805. The other classes there are fairly enlightened and can hardly be called backward. In the circumstances I do not feel that there is a good case for recommending exclusion or partial exclusion of this tract, especially when it lies in the headquarters districts of the province.

DEMI-OFFICIAL LETTER FROM THE DEPUTY COMMISSIONER, NAGPUR, TO THE COMMISSIONER, NAGPUR DIVISION, NAGPUR; AND ENDORSEMENT, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. 454, DATED THE 17TH SEPTEMBER 1935.

In continuation of my confidential letter No. Q., dated the 11th September 1935, regarding excluded or partially excluded areas addressed to the Chief Secretary to Government, Central Provinces, Reforms Department, I send herewith copy of a demi-official letter upon the subject received from Grigson, which confirms my own views.

DEMI-OFFICIAL LETTER FROM MR. W. V. GRIGSON, TO THE DEPUTY COMMISSIONER, NAGPUR, No. C. 379, DATED THE 13TH SEPTEMBER 1935.

I am sorry to have answered before your query about excluded or partially excluded areas. Your main Gond areas are the tract from Ghorbaoli to Nagalwari in Ramtek and Saoner tahsils, the

Kauras, Adegaon tract in Nagpur tahsil, and the adjacent Kondhali Bazargaon Jalalkhera tract of Katol. There is also a clump of Gond villages in the hilly country of the Katol-Saoner border north of the Nagpur-Katol road. There are also large number of Gondi speakers and villages in the adjacent part of Wardha district.

2. Whether it is practical partially to exclude any of these areas is open to doubt. I sent you a copy of my former letter which was written for the abortive aboriginal discussion at Pachmarhi. If it is decided to take any action in the adjacent parts of Sausar and Seoni tahsils, then I think the Chorbaori Nagalwari tract might receive the same treatment, whether or not it is transferred to the Chhindwara district. Exclusion of the other areas is impractical; I do not suppose that Wardha is recommending any exclusion. What therefore is needed for these other aboriginal areas, where the Gonds ought undoubtedly be protected, is special provincial legislation or their exclusion from the jurisdiction of the district council and local boards.

COPY OF MEMORANDUM FROM C. C. DESAI, ESQ., I.C.S., DEPUTY COMMISSIONER CHANDA, TO THE CHIEF SECRETARY TO GOVERNMENT CENTRAL PROVINCES, No. 573-A. E., DATED CHANDA, THE 21ST AUGUST 1935.

The question is whether any part of this district should be treated under the new constitution as an excluded area or partially excluded area. The selection is to be based on strict necessity and the areas are to be limited as far as possible, consistently with the needs of the aboriginal population. Under the present constitution, Sironcha tahsil and the zamindaris in the Garchiroli tahsil are excluded from the operation of the franchise. None of these areas is so backward as to require to be wholly excluded. These areas do not compare with the Naga hills in Assam or similar backward hills in the province of Bihar. A portion of Sironcha tahsil is inhabited by the madias who are a very primitive tribe but they are gradually getting assimilated with the more sophisticated Gond population as a result of the increasing contact with civilisation. They are not so backward as they are sometimes imagined to be. I have myself toured in that area and am convinced that no special protection is necessary for them under the new constitution.

2. I am against even partial exclusion of any area in the district. I have given reasons for this view in paragraph 2 of my memo. No 368/E., dated 26th July 1934, to the address of the Commissioner (copy enclosed for facility of reference). In the first place, there is the practical difficulty of separating the aboriginal tribes from the more advanced people. Secondly the aim of Government should be levelling between the different races rather than perpetuation of their differences and their backwardness. The customs, bliefs and the language of the madias are constantly changing under the impact of civilisation and, within a short time, it should not be difficult to obtain a fair amount of homogeneity in the district. The policy should be one of blending and levelling rather than of segregation

and maintenance of *status quo*. I am, therefore, of opinion that the new constitution should be applied to all the parts of the district without any distinction.

3. The total population of the district is 7,59,695. It includes 1,13,327 primitive tribes following tribal religion and 47,999 primitive tribes Hinduized. The number of Hindus is 4,63,483 and of the depressed classes 1,19,035. Taking by percentage the population is distributed as under:—

Hindus	60·94
Depressed classes	15·65
Hinduized primitive tribes	6·32
Tribal religion primitive tribes	14·92

If more figures are needed, they will be found in the Appendix to my memorandum, dated 26th July 1934, copy enclosed.

EXTRACT COPY OF PARA. 2 OF MEMO. NO. 368/E., DATED 26TH JULY, 1934, FROM THE DEPUTY COMMISSIONER, CHANDA, TO THE COMMISSIONER, NAGPUR.

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2. The aboriginal problem may be viewed from three points of view, namely, legislative, administrative and social. From the strictly constitutional point of view I am of opinion that it is a right decision, so far as this province is concerned, to abolish the distinction between excluded areas and the rest of the province, and to bring the whole province under one form of administration. There is little justification for excluding bits of scattered areas from the new constitution on the ground that these people are unable to realise or appreciate the value of a vote or to have any effective voice in the legislature and administration of the province. Firstly the aboriginal tribes are so dovetailed into more advanced races and the areas inhabited by the two peoples are so intimately interspersed, that exclusion of area or aboriginal peoples for purposes of administration will be a task bristling with difficulties. For instance, in this district, under the present constitution. Sironcha tahsil and Garchiroli tahsil are excluded but the two tahsils are not wholly inhabited by aboriginal tribes, and it is clear that by the policy of exclusion the more advanced people of these tahsils have been denied a place in the constitution to which they are entitled. Owing to the preponderance of the madias in the Sironcha tahsil (for statistics see Appendix A) the whole tahsil has been excluded to the detriment of the interests of the large section of Telugu people who are to be found in that tract. Similarly, owing to the vast territory occupied by Gonds and madias in the eastern portion of the Garchiroli tahsil, the western portion along the Wainganga inhabited by well-to-do malguzars, businessmen and traders is unrepresented in the administration. Even in the strictly aboriginal country, one finds people of other castes who would naturally demand a voice in the new constitution. The aboriginal tribes themselves are here not so backward as are the people of the Naga hills in

Assam and Shan States in Burma, to judge from the census and other accounts. The madias of Chanda are undoubtedly a primitive race, but they have long been in contact with the more civilised peoples, and the customs, beliefs and language of the so-called civilised races are slowly permeating in the primitive madia tract. It is only a question of time for the process to be completed and for a fair amount of homogeniety to be obtained in the whole district. I think the manner in which the problem should be tackled by the administration is not the exclusion of these people and the prepetuation of their backwardness and isolation, but their association by slow, progressive, non-violent steps with the rest of the people. The policy should be one of blending and levelling rather than of segregation and maintenance of *status quo*. The evidence of Dr. Hutton before the J. P. C. relates mostly to Assam where conditions must be vastly different from the conditions over here. The two provinces are radically different. I fail to see how the status of the aborigines will be worse under the new constitution than what it has been hitherto, provided vigilance is exercised by the head of the province and the authority and influence of the district officers are not undermined by the general administration. In dealing with the aboriginals, the first move has always rested with the Deputy Commissioner and his reports, recommendations and proposals for their uplift have met with a ready response. So long as the continuity of this policy is ensured, a matter of administration rather than of constitution, the aboriginal problem will, I believe, continue to be sympathetically dealt with and no misgivings on the account need be entertained.

APPENDIX.

Statistics relating to the aboriginal problem in the Chanda district.

(A) Total Area:—9,312 Sq. miles.

Aboriginal area	. .	2,600 Sq. miles in Ahiri zamindari. 1,413 Sq. miles in Garchiroli tahsil zamindaris.
Total	.	4,013 Sq. miles.

Sironcha khalsa (mostly aboriginal 489 sq. miles).

(B) Population:—

Total population.	Primitive tribes.		Hindus.	
	Tribal religion.	Hinduized.	Depressed.	Others.
759,695	113,327	47,999	119,035	463,483
	161,326			
Percentage	14·92	6·32	15·65	60·94
Proportion	2		1	4

(C) Dispensaries in the aboriginal tracts:—

(1) Garchiroli tahsil zamindaris . . . . . *Nil.*
(2) Sironcha tahsil 3

(Sironcha, Ahiri and Allapalli all of which are situated in the open tracts inhabited by Comparatively advanced people—no dispensary in the madia tract.)

(D) Schools:—

(1) Garchiroli tahsil zamindaris	13
(2) Sironcha tahsil (mostly open tract)	15
	28

LETTER FROM THE DEPUTY COMMISSIONER, WARDHA, NO. Q., DATED THE 6TH AUGUST 1935, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES.

I have the honour to give below the principal aboriginal tribes of district, with their population:—

Aboriginal tribe.	Population according to Tahsil.			Total.
	Wardha.	Hinganghat.	Arvi.	
1. Gond	16,171	9,371	17,653	43,195
2. Pardhan	2,622	2,056	3,833	8,511
3. Kolam	152	63	1,878	2,093
4. Halba	627	350	250	1,227
5. Korku	2	129	560	691
	19,574	11,969	24,174	55,717

2. The above tribes are spread all over the district and are fairly well advanced, on account of their contact with other advanced communities of the district. In my opinion no area of this district should be treated as wholly or partially excluded.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, CHHINDWARA, DATED THE 13TH SEPTEMBER 1935 TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES.

I have given this subject my most anxious consideration and have also discussed the same with the premier Jagirdars of this district. The nine Jagirs of this district (the old Chhindwara district) form a compact group constituting the Northern half of the

Chhindwara and Amarwara Tahsils. The whole area about 1,600 sq. miles is very hilly and ragged. Communication is very difficult. Portions of the Chhindwara Pachmarhi road and the Chhindwara Narsinghpur road passing through the Jagirs are the only first class roads. There are other second class murram roads which act as feeder roads to these but their aggregate length is not more than 50 miles. The tract in several places is so hilly that not only bullock carts cannot go there but even ponies have to be led by the hand. The whole area is covered with thick forests infested with wild beasts.

The population of this extensive area is about 77,500 given an average of about 48 per square mile. Out of this a large number of people is located in headquarters of the Jagirdar, e.g., Harrai Khapa, Tamia, etc. The interior is therefore very sparsely populated 64·9 per cent. of the total population is of aborigines such as Gonds, Mowasis, Korkus, etc., and about 6·9 per cent. of Harijans, e.g., Mahra, Pardhan, etc. There are not more than 7 primary schools throughout the whole Jagir area and the standard of literacy can be better imagined than described. The people are very poor, ill-clad and ill-fed and in rare places come in contact with civilisation Otherwise they are a self-sufficient lot not needing anything outside their small circle and not caring to go a long way to obtain what they want. Their methods of cultivation are still primitive. In some portions, because Dahia cultivation was forbidden or higher rates charged for it—the people left the villages and migrated into the neighbouring districts.

The aborigines are very simple people—superstitious and easily frightened of towns and litigation. They are afraid of reporting offences to the Police firstly as they have to trudge a long way through thick forests, and secondly because of their reluctance to go to the headquarters to give evidence. Of towns and towns-people they fight shy as the wild animals do. Unless pursuaded or even prewarned, they would make a point to run away from the basti if they know that officers are visiting it (unless they have some grievances to narrate which however happens rarely). Anybody can influence them to say anything even in court. Some noticeable instances are that three cases of criminal breach of trust were started by the Police against three servants of the Jagirdar of Batka-Khapa. All three of them failed as the main complainants after making their statements before the S. D. O. and the Police, subsequently retracted them in trying court, presumably under threats from the accused. I know of one case of rape on a woman which was reported to the Police, investigated and Challaned. In the Court the prosecutrix changed her version and admitted that she had falsely reported to the Police about rape only out of annoyance at the man. She was later on prosecuted under section 211, I. P. C., for giving false information and then she said that pressure was brought upon her to make false statement that she made in the Court, while the story of rape was perfectly true. Another instance is of a Pathan. Their high-handedness and pugnacity is well-known but a case under section 448, I. P. C., Criminal House Trespass failed because witnesses would not give correct evidence in court. What is intended by

quoting these instances, which could be multiplied, is that the standard of evidence and proof required in the Khalsa portion has got to be considerably modified if real justice is to be done to these aborigines. Otherwise these simple folk suffer a lot of agony mental and moral for no reason except the peculiar circumstances in which their fate has placed them. What I am trying to drive at is that these aborigines are very peculiarly placed and require special treatment.

Little control can be exercised over Patwaris in this area in the ordinary way. Kotwars and Mukaddam Gumashtas are difficult to be replaced as villages are in groups of 3 or 4 houses each and separated by long distances. Most of the Jagirdas are indebted and lease out their forests rights legally or illegally to their creditors. The result is that forests are fast deteriorating and none except the Banias and other exploiters is being benefitted by it.

In some villages along the roadside the people are improving but the generally is very backward, quite uncivilised and uneducated. They do need at least at present a little different treatment from the adjoining khalsa tract which is open. The provisions of the Scheduled Districts Act though well-meant were never enforced seriously in this area so long. The result in my opinion is that many of the aboriginals have suffered in this transition stage. The best solution of the problem would be that the civil criminal and revenue cases of this tract should be dealt with by one single officer (an experienced E. A. C.) under the guidance of the Deputy Commissioner. It should be possible to obtain direct from Government money to be spent on Jagir improvements and this should be spent only in Jagirs proper. There is in my opinion a very strong case for making special efforts to ameliorate the condition of these aboriginals who are otherwise splendid fellows; by educating them properly, supplying them implements, seed, etc., and impressing on them in a practical way, the value of settled cultivation. With due deference, I am inclined to think that all elected Ministers under the future constitution may not be able to sympathise with and understand the difficulties and the real problem of these aboriginals. I would therefore strongly recommend that the area comprised of all the Jagirs in the old Chhindwara district be classed at least as a partially excluded area

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LETTER FROM THE DEPUTY COMMISSIONER, BETUL, DATED THE 4TH SEPTEMBER 1935, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES.

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2. The question is an important one which it is difficult to consider by districts. It has a Province wide importance which, in my opinion, would have justified the appointment of a special committee to consider the problem. Individual Deputy Commissioners in reporting the position in their own districts, will not be able to deal with the question from the broad point of view which it demands. With the exception of a few individuals in the past and fewer in the present, the question of the aboriginals has never been dealt with fully.

The district replies to Government's letter No. C./195/IV, dated 25th May 1934, on the question of the material and moral development of the aboriginal tribes must contain some material on which a decision can be based; I append a copy of my predecessor's reply to that letter with which I am in complete agreement. More recently the question of utilizing a grant from Government of India for the development of rural areas, with special reference to the aboriginals, was raised. I had very little material in this district on which to base a reply, but I have had the privilege of seeing Mr. Grigson's note, which provides ample material for discussion. I myself have little experience of the aboriginal, and am basing my report partly on discussions with more experienced officers and partly on the various Census Reports.

3. The ultimate decision to exclude or not to exclude will depend on the view which Government takes of the part played by aboriginals in the economic life of the province. If it is considered that a backward section of the population, however, sociologically and ethnologically interesting and important, have no part to play, then there is no justification for exclusion, partial or total, or even for special legislation. The aboriginals, considered from this angle, must either conform to the society, and the laws and customs thereof in which they live, or cease to exist as a separate entity. This, as far as one can gather, has happened in the case of the Maoris of New Zealand, and indeed, in most cases of aboriginal inhabitants retiring before an encroaching civilisation.

If on the other hand the Gond and the Korku are held to be potentially useful members of the modern state (and most careful observers in the past and in the present have considered that they are), then every effort, both in administration and in legislation, must be made to fit them to take their place in an increasingly complicated social and judicial system. Little real effort has yet been made to temper the effect of this system on the illiterate and simple aboriginals, whose mental equipment is not sufficiently developed to enable them to adapt themselves to the rapidly changing conditions of modern life. That it is worth while giving them time and the opportunity so to adapt themselves, I am firmly convinced. I am equally firmly convinced that the only way in which this desirable result can be achieved is the total exclusion of, and special legislation for, the tracts in which they live. A special administrative system, carried on by officers of known sympathy and disinterestedness, will do much to efface the feeling of distrust engendered in the minds of the aboriginal tribesmen by years of administration of a complicated system by unsympathetic subordinate officers. I need only refer to the Gond troubles in this district in 1931, caused mainly by the lack of sympathy and understanding in the administration of the forest laws, and to the present increasing discontent caused by the strict and unsympathetic administration of Government's excise policy, to support my contention that the aboriginal question needs special treatment.

Dr. Hutton in his Census of India report has recognised that aboriginal tribes deteriorate when brought into contact with advanced civilisations. In Appendix II to Volume I, Part I, of the Census of

India report, he quotes at length Rai Bahadur S. C. Roy regarding the effect on the aboriginal of the British system of legal procedure. I have already quoted my predecessor on the effect noticed by him in this district. Mr. Wills in his settlement report on the Bilaspur Zamindaris in 1912 remarked on the need for a definite policy of protection for the local indigenous tribes.

4. A glance at a forest map will show that the aboriginals in the Central Provinces live in more or less compact areas. As far as the Betul district is concerned, the aboriginal block forms part of an area roughly comprising the Melghat, the Bhainsdehi and Betul tahsils of Betul district, part of the Harsud tahsil of Nimar district, the Chhindwara Jagirs, Lakhnadon Tahsil of the old Seoni district, and parts of Mandla and Jubbulpore districts, or in other words the plateau division on the Satpura and Mahdeo ranges. It should not be difficult to administer such an area if totally or partially excluded, especially as the whole of this area is well served by forest roads.

The map on page 360 of the 1931 Census Report for Central Provinces and Berar, part I, shows the distribution of the aboriginal tribes over the various districts of the plateau division. The figures for Betul district are as under:—

——	Betul Tahsil.	Multai Tahsil.	Bhainsdehi Tahsil.
Gonds	56,000	28,000	26,000
Korkus	12,000	1,000	23,000
Pardhans	1,000	1,000	..

The table on page 383 in part I of the Central Provinces and Berar Census Report 1931 gives the following figures for Betul district:—

——	Total population.	Primitive tribes.	
		Following tribal religion.	Hinduised.
Betul and Bhainsdehi tahsils .	235,660	97,416 (41·3 p.c.)	24,383 or 10·3 p.c.
Multai tahsil	170,592	24,467 or 14·3 p.c.	6,088 or 3·6 p.c.

This table differentiates between primitive tribes following their own religions and primitive tribes who have become Hinduised. It has

been recognised by the Census Commissioner, Mr. Shoobert, in Part I, chapter XI of his report, that it is difficult to say whether these figures are really correct. In Appendix III to part I, he quotes Mr. Stent (then Commissioner, Amraoti Division), who stated that the tendency of the enumerators, animated by a desire to extend the scope of Hinduism, was to record all aboriginal tribes as Hindus. Many aboriginal tribesmen wishing to raise themselves in the social scale, and believing that Hinduism referred to race and not religion, returned themselves as Hindus. I make these quotations because I do not consider that the Gonds in Betul district have to any appreciable extent been Hinduised, except perhaps in the more open tracts, as for example in Multai tahsil where they have become degraded and even less able to shift for themselves than their fellows in the jungles.

The percentages of aboriginals to the total population would, therefore, be 51·6 per cent. in the Betul and Bhainsdehi tahsils and 17·6 per cent. in the Multai tahsil. The total number of Gonds in the Betul district has been given in table 17 on page 387 of the Central Provinces and Berar Census Report, part II, at 89,282. To this should be added 22,320 Gonds entered as Hindus, making a total of 111,602. The corresponding numbers for Korkus are Hinduised 7,492 and tribal 29,972, making a total of 37,464. Thus Gonds and Korkus in this district alone number 149,066, and this figure excludes other tribes such as Pardhans. These numbers, in view of their religious and social peculiarities, certainly seem to justify a special policy.

The aboriginal tribes in Betul district live mainly in the forest and hill portions, but many have settled in the open tracts in the Betul and Multai tahsils. In the Bhainsdehi tahsil they form a compact block with the Melghat (an offshoot of which enters the Multai tahsil in the Dabka range and the Bhainsdehi tahsil in the Sawalmenda range) and the Harsud tahsil of the Nimar district. This block continues northwards through the Betul tahsil to the Saoligarh, Bhawargarh and Asir ranges, turning south-west to the Ranipur range. The Asir and Ranipur ranges march with the Chhindwara Jagirs (some of which are already scheduled). The Saoligarh and Bhawargarh ranges are one with the aboriginal tracts of the Seoni Malwa and Hoshangabad tahsils of the Hoshangabad district.

5. Turning to the Betul district, the Bhainsdehi tahsil, containing a large Korku population, and with only forest roads as communications, has always been regarded as a backward tract. The Dabka range in the Multai tahsil and the Saoligarh, Bhawargarh, Asir and Ranipur ranges in the Betul tahsil, with a predominantly Gond population, may also be considered backward areas. The people of these tracts, being mainly aboriginal, are backward; their methods of cultivation are primitive and they are not on the whole good cultivators. They provide an excellent supply of labour to the Forest and Public Works Departments, and to local forest contractors. They are first class labourers, hard working, cheerful and honest, and are infinitely better physical specimens than the more highly educated castes. Those who have settled in the more open tracts have developed parasitic tendencies, and show definite signs of social degradation. Their sense of public and private morality is high. At least these forest and hill areas could be without inconvenience

specially administered; moreover, being largely Government forest tracts, they are of sufficient importance to justify exclusion.

6. Government has already remarked that the aboriginal question is more one of administration than of legislation. The main points of contact with the administration are the Excise and Forest departments, and the civil courts.

It is a part of the tribal religion that liquor used in religious ceremonies shall be distilled by the participants. Liquor is used by the aboriginal largely as a febrifuge and as a stimulant, as he lives mainly in malarious and otherwise unhealthy tracts and does not like quinine. The need for some revision of Excise policy as it affects aboriginals has been recognised throughout the various census reports. The strict administration of the Excise laws is bound to result in hardship to the tribes without, I am convinced, any benefit to the community at large. The Excise policy of Government is at present under review and I refrain from making any further remarks on the subject.

Government has seen in Betul the result of harsh administration of the forest laws. There is no doubt that, although Congress agitation finally caused the outburst of violence in 1931, the real grievances of the Gonds, regarding grazing and nistar, were at the bottom of the trouble. Oppression by forest subordinates, high rates of composition for forest offences, and the restriction of rights of grazing and extraction of fuel, grass and edible fruits, all tend to make the forest aboriginal disaffected. His grievances are rarely brought to the notice of superior officers, either in the Forest or Revenue departments, and his case often goes by default. Were these areas under a separate administration, conditions would undoubtedly improve, and especially by the closer contact which Government officers would have to maintain with them.

Where the aboriginal chiefly suffers is in the administration of justice. My predecessor in this district expressed himself strongly on the subject and, from the cases I have seen in the revenue and civil courts, and before the Debt Conciliation Board, I fully agree with his sentiments. Our complicated system of law and legal procedure is entirely unsuited to the needs of an aboriginal population, and the more so as the sub-judges who administer that system are with very few exceptions devoid of sympathy with the aboriginal. A glance at the many suits in the civil courts against aboriginals would convince any impartial observer of the truth of this latter remark.

Medical administration has scarcely touch the fringe of the aboriginal areas in this district. Large regions like the Khamla, Damjipura and Mohta tracts in the Bhainsdehi tahsil, and the Bijadehi, Banjaridhal and Ranipur tracts in the Betul tahsil, are scarcely, if ever, visited by medical officers. Medical aid, especially, in the monsoon months, is almost impossible to obtain, with the result that the mortality from epidemic diseases among the Gonds and Korkus is appallingly high. A point of special interest is that the forest villages, maintained by the Forest Department, are never visited by medical officers, according to the rules of the public health

department. Recently a forest village in the Kanjitalao area was almost depopulated by some form of influenza, and when an officer did eventually reach the village, he found it deserted. That such an event could happen in 1935 is sufficient indication of the need for special administration of these remote and backward areas.

7. Legislation also is necessary to better the condition of the aboriginals. The Land Alienation Act has done some good; Mr. Lillie, as Deputy Commissioner of Mandla, has been quoted by Mr. Shoobert in his report as saying that the Act in Mandla did interrupt to some extent the process by which village shares held by Gonds passed to non-aboriginals, generally Baniyas, resident in Mandla. He was of opinion that the Gond malguzar, whatever his defects of improvidence and intemperance, was a far better malguzar than the Baniya. This is even more true of the Betul district, where the Land Alienation Act was too late to interrupt the above process. At the present moment there is only one aboriginal malguzar family in the district, a Korku family, members of which hold some villages in the Bhainsdehi and Betul tahsils. As far as I know there is no substantial Gond malguzar in the district, most of them having been expropriated by Baniyas and Brahmans.

The specific intention of the Land Alienation Act, if indeed much scope for its application still remains, will be defeated if the recently proposed amendment, allowing a pleader to appear in cases under the Act, is passed. Another hasty and ill-advised proposal is the Gond Succession Bill, which assumes that Gonds have adopted Hindu customs and laws of inheritance. I myself am convinced that they have not, and sincerely trust that the Bill will not be passed.

The Land Revenue Act has also to some extent operated hardly on the aboriginals inasmuch as the Dahia and Bewar processes of cultivation have been made illegal although they are much more suited to the needs of the forest population than the ordinary methods practised in the open areas. It should be possible to allow a modified form of dahia cultivation in the very remote areas.

The alienation of the holdings of Gonds in Betul has been the result mainly of trickery by malguzars, who fraudulently obtain thumb impressions on deeds of transfer. To stop this I would completely restrict the power of aboriginals to mortgage or otherwise transfer their occupancy or absolute occupancy holdings, and would suggest amendments to sections 6 and 10 of the Central Provinces Tenancy Act.

Above all I would press especially for a simplified Code of Civil Procedure with some modifications in the Penal Code for aboriginal areas, together with a saving clause in all Acts, such as the Limitation Act, the Transfer of Property Act, etc., to the effect that the courts must give aboriginals special consideration in dealing with their cases.

Finally, as regards the franchise, I would exclude all the above areas from its operation: Any attempt to include them in the new constitution will be wasted effort. They are not in any way politically conscious, and it would be dangerous to allow the ordinary type

of politician to collect votes in those areas. Such "representation" would be farcical.

8. I have briefly indicated above the extent of the aboriginal population of Betul district, the areas occupied by them, and some of their more pressing needs. I would press most emphatically for the total exclusion of the areas mentioned in paras. 4 and 5, and for the introduction into these areas of special legislation, on the lines mentioned in para. 6.

Should this proposal be not approved, then I would ask that at least the Sawalmenda range and the Damjipura tract of the Bhainsdehi tahsil, adjoining the Melghat, be totally excluded and administered along with the Melghat.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, BETUL, No. 473-A., DATED THE 18TH MAY 1934, TO THE COMMISSIONER, NAGPUR DIVISION.

I am not quite clear as to what I am asked to report on, but I take it that the Chief Secretary requires an examination of the various aspects of the material and moral elevation of the aboriginal tribes. I agree that the struggle for existence of the Gonds, Korkus and Baigas is mere a matter for the administration than for legislation. The Land Alienation Act was no doubt of great value and the legislation, initiated by Mr. Wills in sections 115 to 121 Central Provinces Land Revenue Act would have been of great value had it not taken so long in being introduced and then after its introduction had it been applied or sought to be applied before the lapse of 2 or 3 years by which time the headmen, whom it sought to protect, had been practically superseded.

2. The problem of the struggle of these aboriginals is not much different from that of the lower castes and the poorer members of the higher castes. For the wealthier of all castes there are schools available but for the poor members of both higher and lower castes and of the aboriginal tribes alike there are not only normally not the facilities for education but also, even if the facilities are available, the necessity of earning in order to live prevents them from taking advantage of them.

3. Secondly the court Criminal, Revenue and Civil are in practice little help to aboriginals and other poor classes. In all courts the aboriginals like other poor people are under the disadvantage of not having the money to brief pleaders. Complaints of injustice made to the Police are more often than not treated as "of a civil nature". The members of a village who complain to the Police, *e.g.*, of having been cheated of their wages by a forest contractor are told that they can seek redress in a civil court or if they like bring a complaint in a criminal court. Neither of these steps for obvious reasons can they take, though occasionally the Forest authorities or the Deputy Commissioner, may be able to procure them some kind of redress. In the Revenue courts the aboriginal is in an equally disadvantageous

position. In the first place, he does not know the law and the provisions of the Land Revenue Act or Tenancy Act which are for his advantage. For him the demand of the Malguzar is to all intents and purposes law. The payments made by him to the malguzar, which he intends to be payments on account of rent can with impunity be taken by the malguzar in payment of any other demand legal or illegal in contravention of the provisions of section 75, Tenancy Act.

4. But it is perhaps in the Civil court that he is at the greatest disadvantage, for while the magistrate in a criminal court is required by Judicial Commissioner's Circular I-8 to realize that "his primary duties are the ascertainment of facts and the punishment of the guilty" and that "even though the Prosecuting Inspector may be present this fact does not relieve a magistrate from the duty of himself getting to the bottom of the facts of the case" and the same applies to Revenue courts. In a civil court, I believe, the court has no such duty of itself probing into the true facts, the plaintiff and defendant themselves being required to put up such pleas and evidence as they think fit to rely on. Obviously the aboriginal is in a disadvantageous position here. I may quote an instance which has recently come under my notice. One Bikram Gond in a Hindu village adopted a minor first cousin once removed of his and then died. The malguzar secured a surrender of Bikram's holding immediately after Bikram's death from a woman whom the villagers all say had been a kept wife of Bikram turned out by him 2 or 3 years previously. The malguzar then brought a civil suit against the minor Khuman and his Kunbi sub-tenant to eject them from the holding. The Court Reader was appointed guardian *ad litem* for Khuman and he appointed a pleader. The pleader, did not file the papers he should have filed, neither did he appear in the court to cross-examine the plaintiff's witnesses. The Gond wished to call 12 witnesses including the patwari in defence but only 2 witnesses were called and only one was heard. The remainder it was stated by the villagers were intimidated from coming to court by the malguzar. In the end the natural mother of the minor filed documents which the court did not accept as being filed too late and the decree was given in favour of the malguzar on the evidence of the written statements, 5 lines of evidence of Mst. Muttra the bogus surrenderer, 5 lines of evidence of a Betul sweet-meat vendor who attested the surrender-deed and 16 lines of examination and cross-examination of the defendant's solitary witness. The natural mother and the sub-tenant appealed against this decree and in the appeal court it was pointed out that the sub-tenant had no *locus standi* (which seems to me to be odd seeing that he had costs given against him in the lower court for which seven cattle were attached on 13th August 1932 and are still under attachment), while as for the natural mother of the minor the court held that she was incompetent to appeal as a guardian *ad litem* had been appointed and his appointment continued for the whole of the list. This decision was no doubt all correct and according to law but it is clear that the minor Gond suffered under the severest disadvantages in having as a guardian *ad litem* a person who quite clearly took not the slightest interest in him and, a

pleader appointed by that guardian who equally took no interest in him. Both guardian *ad litem* and pleader acted negligently in several respects and in particular in not pleading natural succession of the minor in addition to succession by adoption.

5. Therefore, I suggest that the aboriginal is greatly handicapped in courts of law and justice and especially in civil courts. Even if he has the money to brief a pleader, he has no confidence that the pleader will not act in collusion with the other side. Mr. Trench in his Gondi Grammar gives the expression "Midding midding aiana" which he translates as "to wander about at a loss, as a Gond in Court precincts ignorant where to go and whom to accost". It would not be far wrong to say that all the poorer classes of the population look on the Courts as places where the law can be enforced against but not for them.

6. The moral and material elevation of the aboriginal tribes can hardly be brought about until there is some change or improvement in the organization under which they at present suffer. The Gonds in particular are very addicted to liquor drinking and it is difficult to see how they are to be weaned from this vice at present. Forsythe in his "Highlands of Central India" describes how forests were ruined by Kalar Thekadars who got timber cut by Gonds to whom as payment would be given enough liquor to keep them dead drunk for a day or two. Having little hope of amassing much material wealth without its being filched from them it is not unnatural that these people, who live in jungles in conditions of the greatest discomfort, naturally turn to liquor as a source of bodily and mental pleasure and relief and it does not seem that the numerous prosecutions and convictions for illicit distillation, which go on year by year in this district are having the slightest effect on aboriginals in the way of at all checking illicit distillation. As an instance of the way Gonds can be prevented from amassing any wealth I may mention the case of a village about 6 miles from Pandaria in Bilaspur district to which reference is made in the forecast report of the last Bilaspur Zamindari Settlement. The Zamindar having turned out the Gond Headman of the village before the provisions of sections 115 to 121, Land Revenue Act could be applied had given a three-year Theka of the village to his Musalman motor driver, a man evidently not an agriculturalist. (Possibly the theka of the village was his pay or part pay as motor driver.) The first year the Gond inhabitants had been forced to cultivate the Sir of the village from beginning to end entirely in begar with the result that they were quite unable to cultivate their own land. The next year in order to be able to do their own cultivation they decided to make the best of a bad job and so they took a joint lease of the Sir for a high sum; the Sir lay fallow; the lease money was dead loss of course but not such a dead loss as they had suffered in the previous year by being unable to do their own cultivation at all. No doubt had they made a complaint, they would have been referred to the civil courts or told that it was their own stupidity that 50 or 100 men should obey one motor driver.

7. It is stated in the Chief Secretary's letter that "general uplift work in economic and public health spheres deserves attention". In

my view uplift work should begin in attempting to secure for aboriginals (in common with other poorer classes) that the provisions of the criminal law should be enforced not only against them, but also on their behalf. I find it difficult to lecture aboriginals and the poorer classes on the value of preserving manure, keeping their cattle in airy sheds and all the common places of village uplift propaganda when it is a matter of common knowledge that any surplus income resulting from hard work and superior cultivation will as likely as not go to paying illegal exactions or exorbitant interest.

MEMORANDUM FROM THE COMMISSIONER, JUBBULPORE DIVISION, D. O. No. C./394, DATED THE 10TH OCTOBER 1935. TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES.

* * * * * *

2. The details regarding the population, distribution and general condition of the aborigines of the various districts have been given in the memoranda submitted by the Deputy Commissioners.

3. The question whether the aboriginal areas should be excluded or partially excluded in the new constitution depends ultimately upon the questions as to whether the aboriginal peoples, particularly the Gonds and Korkus, are to be preserved in their tribal formation and their present habitats or whether they should be left to find their own salvation in Hinduisation. If the answer is in the affirmative, then experience shows that protection or special administration in the areas occupied by them is the necessary consequence.

4. The case for the preservation of these aboriginal peoples is based as much on political as on humanitarian and ethnological grounds. According to the last Census Report (1931) primitive tribes in the province number nearly 3 millions, while the Gonds alone number nearly 2 million souls, representing in districts like Mandla from 50 to 70 per cent. of the population. With their tribal customs and social habits they add variety and colour to the life and culture of the province. On the purely material side, their jungle lore and labour contribute to the working of the forests which cover a large area of the province and form an important asset in its economy.

5. The existence of the Land Alienation Act on the statute book is evidence of the legal and physical protection which the aboriginal needs to prevent his being exploited by the money-lender and land-grabber and reduced to a serf in his own country. On the side of moral and material progress, his primitive outlook and backwardness present a special problem to the educationist and to the nation-building departments generally—a problem that does not respond to treatment in the mass by stereotyped methods. In the face of the general admission of district officers it must be conceded that the past progress and present condition of the aboriginals is not satisfactory, but it would certainly have deteriorated but for the sympathetic efforts of a paternal administration. With the

realisation of the principle of responsibility to the legislature in the reformed constitution, the pressure that will be exerted by politically active interests will leave Ministers with little leisure or funds, even if they have the best will in the world, to consider, or attend, to the special needs and requirements of the aboriginal peoples who are politically inarticulate and remain out of sight and out of mind.

6. The salient and obstinate factor in the case is the inaptitude of the aboriginals for a part, proportionate to their numbers or their needs, in the scheme of self-government, local or provincial. In the Jubbulpore division Mandla is the area most concerned. Before 1923, local self-government in this district was administered by a district fund committee or nominated members under the presidency of the Deputy Commissioner. Since the constitution of a district council in that year out of 29 elected seats in the local boards the aboriginals have occupied in 4 general elections not more than 5, 1, 2 and nil, respectively, and not a single seat in the district council. The first aboriginal representative to sit on the district council was one nominated by me as late as 1933. Since 1926 when Mandla was made a constituency of the Central Provinces Legislative Council owing chiefly to the pressure of residents in the comparatively open tract round about Mandla town the aboriginals have taken little or no interest in or advantage of the reforms and remain for all practical purposes entirely unrepresented in the Council. Only a single Gond has ever sat in the Legislative Council and the inadequate representation of the aboriginal tribes is strikingly illustrated on page 369 of the Census Report, Part I.

7. It is in recognition of this difficulty and deficiency that district officers have advocated, amongst other special measures for these areas, a system of tribal panchayats and independent local boards for local administration and of special representation by nomination in the enlarged Legislative Council. How far this arrangement would work in practice is a moot point, but the fact that such proposals have been found necessary illustrates the nature and difficulty of the aboriginal problem and emphasises the view that whether the aboriginals are included wholly in the new body politic or not they cannot and will not really be of it.

8. Backward by nature and disposition, the aboriginal has further disqualified himself for survival of the fittest in a political world by his disinclination to profit from the educational facilities within his reach which are meagre enough already. The percentage of literacy amongst Gonds for the province as a whole is 0·86 per cent. compared with 5·07 per cent. for the population of the province as a whole. In Mandla where aboriginals form nearly 54 per cent. of the entire population only 6·4 per cent. of the enrolment is of aboriginal pupils and the attendance of these is not more than 55 per cent. while only 1 teacher in 100 is an aboriginal and 46 schools in the more jungly parts of the district have to educate a total population of over 2½ lakhs including about 1½ lakhs of aboriginals. The medical needs of the same population of 2½ lakhs have to be met by 5 dispensaries in all, 2 of which actually serve a total population of nearly 1·40 lakhs in Dindori tahsil. The aboriginal's farming is chiefly confind to producing his own food supply, which

consists largely of the lesser millets, and he takes little part of profit in the traffic in his province—so much so that in spite of the considerable extension and improvement of roads in the last 16 years or so, there are still less than 400 carts in the whole of Dindori tahsil and less than 900 in Niwas. In litigation the aboriginal is the sued and not the suitor; out of 279 civil cases in which an aboriginal was sued in Mandla district in all but 29 the plaintiff was a non-aboriginal. In Excise, on the other hand, aboriginals predominate amongst the persons prosecuted for breaches of Excise law and rules. Excise regulations intimately effect their social and domestic economy and it is now generally recognized that regulations prescribed for the province as a whole are too stereotyped to suit the circumstances of primitive people.

9. The factors illustrated above and the considerations advanced by Deputy Commissioners with regard to this reference in continuation of the reports previously submitted on the subject of the moral and material elevation of the aboriginal tribes, which are summarised in the precis accompanying General Administration Department memorandum No. C./1009/1321/IV, dated the 3rd of June, are sufficient to demonstrate that the aboriginals do constitute an important element in this province which is not qualified to take its part and is unable to safeguard its interests in the scheme of provincial self-government established by the Government of India Act, 1935, (25 and 26 Geo. 5). The areas occupied by them can best be administered, and their interests most securely served, by exclusion by virtue of the provisions of section 91 of the Act. It is not necessary that these areas should be entirely excluded; it will suffice if they are given the protection of partial exclusion by being made a special responsibility of the Governor, which he may fulfil by virtue of the special powers conferred on him by sections 52 and 80 of the Act. It should be within the Governor's discretion to modify and adapt Acts of legislation to suit the needs and circumstances of these areas, and at the same time to associate himself closely with their administration. Probably the most convenient form of administration of these areas would be by uniting them in charge of a special officer or officers assisted by an advisory council of leading aboriginal landowners or other prominent persons, who may be their natural leaders. The arrangement or partial exclusion should be found politically convenient as it relieves the Minister of responsibility for the functioning of Government in remote and unfamiliar areas which are out of touch with provincial politics and from which the Minister can neither hold any mandate nor look for any political support.

10. The lines upon which these areas may be administered are indicated in the precis of correspondence referred to above. The areas which it is necessary to exclude and which are susceptible of exclusion are the contiguous or practically contiguous tracts in which the aboriginal population is large and its proportion to the general population is highest. In the Jubbulpore division the main area is to be found in the whole or the greater part of Mandla district with an aboriginal population, chiefly Gond, varying from 90,000 or 47·2 per cent. in Mandla to 74,000 or 63·6 per cent. in Niwas Tahsil. Other smaller areas but with a considerable

block of aboriginal population exist, as described by the Deputy Commissioners, in Jubbulpore, Hoshangabad and Nimar districts. These, though not of a size to make partial exclusion practicable by themselves, are contiguous to similar areas in other districts with which they could conveniently be combined. The areas concerned in the Hoshangabad district (which has a total aboriginal population of 1.23 lakhs or 15 per cent.) form the southern fringe along the Satpura hills, as described in paragraph 8 of the Deputy Commissioner's memorandum of 14th September 1935 These though not very considerable in themselves adjoin and can therefore conveniently be combined for administration with similar aboriginal areas in Betul and Chhindwara district. In Jubbulpore district again the southern portion of Kundam circle marching with the Niwas tahsil of Mandla district contains a solid block of some 40,000 aboriginals of homogenous development and outlook with their neighbours of Niwas tahsil with which this area could be effectively administered as a partially excluded area, as proposed by the Deputy Commissioner in paragraph 6 of his memorandum of the 29th of August. In Nimar a block of some 50,000 aboriginals mostly Korkus, inhabit the southern portion of Harsud and Burhanpur tahsils adjoining the Melghat. They are mostly primitive and backward like their neighbours in the Melghat, an area excluded from the present franchise, and the areas occupied by them in Nimar could be for purposes of protective administration amalgamated with the adjacent Melghat. The areas considered to require special measures thus consist of contiguous blocks of backward tracts running the length of the Satpura range; they are therefore conveniently situated for exclusion from the district and divisional units into which they at present fall and could be combined into a reasonable unit for administration.

LETTER FROM THE DEPUTY COMMISSIONER, JUBBULPORE, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. Q., DATED THE 29TH AUGUST, 1935.

* * * * * *

2. The aboriginal population of the district is as follows:—

	Hindu.	Tribal religion.
Baiga	2,340	325
Bhumia	28,985	21
Bhumjia	67	..
Bhil	11	..
Chadar	2,534	..
Dahayat	8,778	..
Koshti of Koshta	1,334	..
Gond	81,359	12,723
Kol	57,743	84
	1,83,151	13,153
	1,96,304	

3. The aboriginals and backward classes are scattered generally all over the district in a manner in which it is quite impossible to provide for differential treatment between them and the ordinary

Hindu population. They are however found in solid blocks in the following tracts:—

(1) Kundam Revenue Inspector's Circle of the Jubbulpore Tahsil with an area of 248·35 square miles.

(2) In the southern portion of the Bargi Revenue Inspector's Circle and south of Barela in the Khamaria Revenue Inspector's Circle.

This is a narrow strip of country forming a fringe along the Mandala border in which Gonds are still found in fairly large numbers.

(3) South of the Nerbudda from Shahpura towards Bargi in the country between the Nerbudda and the Seoni hills.

(4) A narrow strip of country east and north-east of Silondi in the Sihora Tahsil and between the open haveli of the Sihora Tahsil and the border of Rewa State.

(5) In the south-east corner of the Murwara Tahsil around Khitoli.

4. Total exclusion of any area is obviously quite unnecessary in this district in which the aboriginal population is considerably more advanced than in the more backward tracts, for example of Mandla and the Chhatisgarh Zamindaris.

Partial exclusion, it has been stated in paragraph 5 of the letter under reply, depends very largely on whether the area is of sufficient importance and contains a preponderance of aboriginals or backward classes to a sufficient extent to make possible the application to it of special legislation and is susceptible, without inconvenience of special administrative treatment.

5. It is therefore for consideration whether any of these areas should be recommended for partial exclusion. But practically all of these areas are really incapable, on grounds of administrative convenience, of partial exclusion. The areas in which aboriginals preponderate to a sufficient extent in this district form a fringe round the edge of the district. Clearly nothing is possible for that portion of the fringe which lies in the south-east corner of the Murwara tahsil and the eastern portion of the Sihora Tahsil because the eastern boundary of the district is the Central India States and a narrow strip of country between the main haveli of the district and the Native States border cannot possibly be administered in any special way

The narrow fringe in the south of the district bordering the Mandla and Seoni districts contains Gonds of a comparatively advanced type which are rapidly losing their tribal characteristics and assimilating more and more to the Hindu population in amongst which they live. I do not think any special consideration of their case is necessary.

6. Thus the only portion of the district which calls for careful consideration is the Kundam Revenue Inspector's Circle. Gonds preponderate in this tract, (the actual figures are not available). The aboriginal population of this part of the Jubbulpore district is in no way more advanced than that in the Shahpura Revenue Inspector's Circle of the Niwas Tahsil of the Mandla district over the border. This whole circle is capable of special treatment without

great difficulty, and as far as I can see there is no administrative objection to the transfer of this circle to the Mandla district where the problem is very much larger and where some special treatment is likely to be essential. I, therefore, recommend the case of this Revenue Inspector's Circle for special consideration and for transfer to the Mandla district if the northern portion of that district is accorded partial exclusion. If it is not, the Kundam Revenue Inspector's Circle is insusceptible of special treatment and no action is possible in respect of this area.

LETTER FROM THE DEPUTY COMMISSIONER, SAUGOR, TO THE SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, DATED THE 31ST JULY 1935.

I have the honour to say that in my opinion a glance at the figures of aboriginal population in this district is enough to convince that the question of special treatment hardly deserves a second thought. I attach a statement showing the numbers of aboriginals in each tahsil. Only Gonds and Sonrs exist in any appreciable number and the total of all aboriginals is about 11 per cent. of the total population. They are spread over the whole district, but in the two tahsils where the percentage is the highest, *viz.*, Rehli and Damoh, the percentages are only 16 and 14 respectively. In certain tracts of these tahsils there are villages or groups of villages mainly populated by these aboriginals, but they are intermixed with other castes and they do not form a sufficiently large or distinct community to call for special treatment. Their contact with civilization is more than that of aboriginals in the most backward tracts of the province and consequently they are themselves less primitive. I do not recommend that any special treatment should be applied.

	Saugor.	Rehli.	Khurai.	Banda.	Damoh.	Hatta.	Total.	Total for the District.
Bharia or Bhumia	...	...	...	1	217	442	660	
Bhil	9	...	...	...	...	...	9	
Bhunjia	...	...	...	2	...	...	2	
Binjhwar	...	2	...	...	...	...	2	
Gond	5,165	22,457	728	2,409	20,610	6,754	58,113	
Kawar	1	...	...	...	...	...	1	
Kol	101	...	...	...	60	1	162	
Koli	...	...	44	...	...	...	44	
Sawara or Sonr	5,603	1,807	8,599	5,858	2,726	3,742	28,335	
Murle	190	28	...	...	237	...	455	
Total	11,059	24,294 (16%)	9,371	8,270	23,950 (14%)	10,939	87,883	
Total population of the tahsil	1,40,788	1,48,002,	1,26,910	80,027	170,915	113,925		
Rural								780,567
Urban								69 590
								850,157

LETTER FROM THE DEPUTY COMMISSIONER, MANDLA, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, DATED THE 11TH SEPTEMBER 1935.

I submit the following report on the position in my district with regard to aboriginals:—

2. In this connection it has to be determined first what castes and tribes can be properly described as aboriginal. In the list of backward castes which has been officially issued by the Education Department the following castes and tribes in this district have been included amongst the aborigines:—

(1) Baiga.
(2) Bhaina.
(3) Bharia-Bhumia.
(4) Bhil.
(5) Gond.
(6) Kol.
(7) Nagarchi.
(8) Pardhan.
(9) Parthi.
(10) Agaria.
(11) Bahalia.
(12) Sahis.
(13) Kanra.

According to the recent census the population of this district is 4,45,766, out of which the primitive tribes number 2,73,721 or 61 per cent. The population of some of the castes or tribes included in the Education list is not separately given in the Census Report but the totals for such primitive castes and tribes the population of which is separately given work out very nearly to the total given above for the primitive tribes.

3. (The aborigines mainly reside in the Dindori and Niwas tahsils of this district and in those Revenue Inspectors' Circles of Mandla tahsil which adjoin Dindori tahsil. The tahsilwar distribution of the aboriginal tribes is as follows:—

Name of tahsil.	Total population.	Population of primitive tribes.	Percentage.
			%
Mandla	1,90,109	97,383	50
Dindori	1,39,798	98,202	70
Niwas	1,15,859	78,136	67

I have, therefore, treated Dindori and Niwas tahsils as the areas which are predominantly peopled by the aborigines. Actually in some

of the area of Mandla tahsil also which border on Dindori and Niwas tahsils the aborigines preponderate.

4. Out of 2,73,721 aborigines, 1,99,310 (73 per cent.) are non-Hindus and 74,411 (27 per cent.) have for purposes of the census returned themselves as Hindus. In the census report all those who do not follow the Hindu, Mohammadan, Christian, Sikh, Parsee, Jain or such other recognised religions have been described as animists and although the population of the aborigines in each Revenue Inspector's Circle is not separately given the distribution of the population of animists can be ascertained. Although the term 'animist' excludes those aborigines, who have described themselves as Hindus, the population figures of the animists give a fairly good idea of the distribution of the aborigines. Judged from this standard the aborigines predominate in Bichhia and Mohgaon Revenue Inspector's Circle of the Mandla tahsil and the non-aborigines predominate in the Narainganj circle of Niwas tahsil. As Bichhia and Mohgaon circles adjoin Dindori tahsil and Narainganj Revenue Inspector's Circle adjoins Mandla tahsil it is in my opinion possible to reshape the boundaries of Dindori and Niwas tahsil in such a fashion as to include in them those areas of Mandla tahsil in which the aborigines predominate and to exclude from them such areas bordering on the open tracts in which the non-aborigines predominate. The area mainly peopled by the aborigines is thus susceptible, without any inconvenience, of special administrative treatment.

5. In order to determine whether it is necessary to accord to the aborigines special protection and special administrative treatment under the forthcoming Provincial Autonomy it is necessary to decide the following two questions:—

(i) Is the stage of evolution, in which the aborigines at present are, such as to necessitate such protection?

(ii) Have the interests of the aborigines been looked after adequately by the transferred departments, at present under the control of the Ministers?

6. The aborigines in this district are in a strictly pastoral and agricultural stage of evolution. Their main pursuit is agriculture. They either cultivate their own holdings or work as agricultural as labourers and graziers for others. A few of them are also employed as labourers by the Public Works and Forest Departments. They devote most of their time to the production of the food crops which in their case are 'kodon' and 'Kutki'. These two crops are mainly grown for personal consumption. Those who grow them in large quantities use them also for making payments in kind to aboriginal labourers whom they employ as graziers or agricultural servants. In addition to the food crops mentioned above the aboriginal labourers whom they employ as graziers, or agricultural for sale. These are their money crops, out of the sale proceeds of which they pay their Government and Malguzari dues and also meet the expenditure involved in buying such simple necessities as cloth, salt, etc. The aborigines also keep cattle for manufacturing 'ghee' which is also converted into money.

7. The weakest point in the economic life of the aborigines of this district lies in the fact that besides agriculture they do not engage in any other trade or profession. None of them work as tailors, blacksmiths, weavers, carpenters or goldsmiths. A few of them know how to repair a plough and do such other carpentry work as is unavoidable in the pursuit of agriculture, but if, for instance, they want a proper door for their houses, they will have to do without it or get it made by a non-aboriginal carpenter. They generally decide to do without such luxuries. They manufacture ropes for their own use but not for sale. They do not even make any baskets. They do not act as shopkeepers of any type. As they are surrounded by more advanced castes and tribes who live on them they have no difficulty in getting their non-agricultural and non-pastoral needs supplied by non-aborigines for payments made either in cash or kind. There is no need for them therefore to change their mode of life. If the aborigines had lived in a segregated condition some of them at least would have been forced to learn the various handicrafts and to adopt the various trades that play a necessary part in the life of an agricultural and pastoral community. They are slow to learn from example and increased contact with the non-aborigines does not always work to their advantage. In the Baiga Chak, for instance some non-aborigines were imported in the hope of the Baigas learning the art of settled cultivation from the example set by them but the result has been quite contrary to what was expected. A good deal of land has passed into the hands of the Dhobas, who use the Baigas as a cloak, for obtaining land for themselves.

8. Even the carrying trade in the aboriginal tracts is in the hands of non-aborigines. The number of carts in this district is still very small as will appear from the following figures:—

Name of tahsil.	Number of carts.
Mandla	352
Dindori	86
Niwas	842

It will be observed that in Dindori tahsil there are very few carts. In Niwas there are open tracts which adjoin Jubbulpore district. These areas are very close to the Barela, Kundam and other Jubbulpore markets. In these areas the non-aborigines predominate and it is they who own carts. In Mandla tahsil carts are mainly found in the open haveli tract where the non-aborigines predominate. Very few of the carts are owned by the aborigines. This is due to the fact that in the aboriginal tracts there is a paucity even of cart tracks. Such tracks as there are remain difficult to negotiate for more than 7 months on account of the large number of rivers and nallas that intersect them. While walking from Shakke to Samnapur, a distance of some 22 miles I had to cross and recross one particular river 7 times. As the Gonds do not practise carpentry they can neither manufacture a cart nor can they repair it if it requires a serious job of work. Carts are therefore an almost unknown luxury to them. The Gonds own bullocks but they do not use them as pack

animals. They do not know even how to make a pack sack. Most of their commodities are carried to the markets as kawar-loads by men or as head-loads by women. The travelling traders and Banjaras also have no need for them to carry large quantities of grain to distant markets.

9. No community can possibly make much profit or possess much spare cash which does not indulge in any pursuit except agriculture. Even the subsidiary trades and professions which play an important part in agriculture being in the hands of non-aborigines all the real profits accrue to non-aboriginals and the aborigines get a very poor return even for such money crops as they produce. The result is a chronic shortage of cash in their hands. It is true that their needs are so few and so simple that they do not really require any large sums of money to carry on their normal economic life; but even such small sums as they do require they find it difficult to raise except on exorbitant terms. The non-aboriginal traders are quite willing to sell them the few cheap articles they require or to advance them small sums of money but they do so after exacting such an exorbitant return in kind that it is nothing unusual for the Gonds to create a lien on a good bit of the next year's crops before they are actually ready for harvesting and in some cases even before are sown.

10. On the whole, the aborigines are in such a backward stage of evolution that if it is desired to check their exploitation by their more advanced neighbours, special administrative and legislative protection must be accorded to them.

11. There are no Municipal or Notified Area Committees in the tracts where the aborigines predominate. In the Mandla Municipal Committee no member of the aboriginal tribes has ever served as a member.

12. The 13 panchayats in this district are situated at the following centres:—

Panchayats.	Name of tahsil.
1. Nainpur	Mandla.
2. Pindrai	"
3. Hirdenagar	"
4. Bamhni	"
5. Dhenko	"
6. Suktara-Bargawan	"
7. Kakaiya-Ghatiya	"
8. Anjania	"
9. Silgi Khairi	"
10. Bhuwa Bichhia	"
11. Shahpura	Nowas.
12. Narainganj	"
13. Dindori	Dindori.

None of these are in the real Gondi tract and out of the 132 members of these panchayats only one is a Gond. He too belongs to a panchayat which is not functioning at all and which has been recommended for dis-establishment. I have recently established a new panchayat at Dindori, but the establishment of a panchayat in

a Tahsil headquarters is of no account to the aborigines. Similar attempts made in the interior of Dindori tahsil have not so far proved successful.

13. In 1923 a District Council and three local Boards started functioning in this district. During the last 12 years four general elections have been held in 1923, 1927, 1930 and 1933. The 1925 records are no longer available. In the general election of 1927, 9 circles (*viz.*, Bajag Karnjia, Jamgaon, Samnapur, Mawai, Nighori-Bhanpur, Karondim Mahadwani and Kanerai) remained unfilled. In 1930, Shahpur, Mawai and Nighori-Bhanpur failed to return members. In the last general election of 1933 Mawai, Nighori-Bhanpur and Manakpur have remained unrepresented in spite of bye-elections. The areas which have persistently remained unrepresented are those very areas where the aborigines abound. In 1930 elections 21 out of 29 and in 1933 12 out of 28 seats on the Local Boards were not contested. During all these elections and bye-elections, five Gonds were elected as members of Local Boards in the first election of 1923 when an executive effort appears to have been made to persuade the Gonds to stand. In 1927 only one Gond was elected as a member of one of the Local Boards and in 1930 one Gond and one Rajgond secured similar election. In 1933 no aborigines were elected either to the Local Board or to the District Council. The elective system therefore appears to show an increasing tendency to work against the aborigines as executive interference with elections is diminishing. Even the powers of nomination do not appear to have been used, until recently, to secure the representation of the aborigines on these Local Bodies. After the general election of 1933 a Gond was nominated to serve on the Dindori Local Board Mr. Burton also nominated a Gond to serve on the Mandla Local Board and on our recommendation a Gond was nominated by the Local Government to serve on the present District Council. It is significant that during the last 12 years only one member of the aboriginal tribes has been admitted to the District Council and that too through the medium of nomination.

14. In this district there are 86 District Council schools out of which more than half are situated in Mandla tahsil and only 40 in both the Dindori and Niwas tahsils taken together. There are only 36 schools in which more than 50 per cent. of the boys enrolled belong to aboriginal tribes. The total number of boys and girls enrolled in District Council schools is 6,692 out of which only 1,272 boys and girls belong to the aboriginal tribes. The percentage of the aborigines in all the Schools therefore works out only to 19 in spite of the fact that they form 61 per cent. of the population of this district. The number of aboriginal pupils enrolled is 6·4 per cent. of the boys of school-going age available amongst the aborigines. As the approximate average attendance of the aboriginal pupils is about 50 per cent. only 3·2 per cent. of the aboriginal boys receive regular education. The total expenditure of the District Council on Education amounts to Rs. 62,286 out of which the expenditure incurred by it on educating the aboriginal boys and girls actually enrolled works out to Rs. 11,834 only. Out of 201 teachers employed in the District Council schools only two belong to the aboriginal tribes.

15. The total expenditure of the District Council under Medical and Public Health comes to Rs. 6,122 and it mainly consists of contributions to the following dispensaries:—

	Rs.
Mandla tahsil—	
Bamhni	1,962
Patpara	40
Mandla	1,040
Bichhia	560
Niwas tahsil—	
Narainganj	520
Shahpura	600
Niwas	400
Dindori tahsil—	
Dindori	320
Bajag	640
Marpha Mission	20
Total	6,102

Out of the 6 dispensaries situated in Dindori and Niwas tahsils only two, *viz.*, those situated at Bajag and Marpha can be really said to serve the aborigines. Niwas and Dindori being tahsil headquarters and Narainganj and Shahpura being thriving townlets the dispensaries situated in them really work for the benefit of the non-aboriginal people who predominate in these centres.

16. If the Gonds could have spoken for themselves they might have pointed out that when the local bodies of Mandla have so far given no indication whatsoever of having any realisation of the duties they owe to the aborigines who form a majority of the population in this district, how can it be hoped that the Provincial Legislative Assembly in distant Nagpur will take a keener interest in the welfare of the aborigines of Mandla? They might have also suggested that before the full or partial control over their destiny is handed over to an Autonomous Legislative Assembly it should be examined whether the Transferred Departments which have been under the control of Ministers for so many years have taken any special interest in the welfare of a people who on account of their backwardness deserved particular attention. In this connection they might have prepared an indictment of the Departments concerned along the following lines:

17. The task of educating the aborigines requires special study. It has to be decided whether the Gonds have to be taught through the medium of Hindi or that of Gondi. Even if they are to be taught through the medium of Hindi, special books have to be prepared and prescribed for them, the teachers have to be given special training in handling primitive pupils, the curriculum has to take into account the special needs of these backward people and in short the existing educational institutions have to be radically changed before they are likely to do any real good to the aborigines. It is surprising

that even a proper beginning has not been made so far in this direction. The Gonds might have pointed out that in 1923 a special committee was appointed to enquire into the problem of the education of the Depressed classes. As a result of its recommendations sanction was given to the payment annually of special bonus to school masters for passing Depressed class pupils in the Primary Examination. This scheme remained in force till 1931 when it was temporarily suspended on account of financial stringency. This scheme continued in force for eight years but no attempt was made to extend its benefits to the aborigines.

18. Of all the development departments of Government the Agriculture and Veterinary Departments have shown the greatest response to the recent attempts to press upon their attenion the special claims of the aborigines who would have liked to record their special thanks to Messrs. Ratchie and Churchill and to the late Major Stirling for the willing and whole-hearted support they have given to the uplift activities in this District. The fact, however, remains that as compared with what these Departments have done for the more advanced districts, little or nothing has been done for the aborigines. It is significant that after many years the opening of an agricultural demonstration farm has at last become possible in this district, out of a special grant which has been made by the Government of India.

19. The Gonds might have argued that the complete disregard of the religious beliefs, inclinations and habits of the aborigines shown by the Central Provinces Legislative Council, in framing its Excise policy should afford a sufficient indication of what the aborigines can expect from the new Provincial Legislative Assembly. The policy of prohibition may appeal to the orthodox Hindu and Mohammadan sentiment, but as liquor plays a recognised part in the religious ceremonies of the aborigines the attempt of the Hindu and Mohammadan politicians to apply this policy to the aborigines constitutes, from the aboriginal point of view, a most unjustifiable persecution of a dumb minority. When the question was being debated in the Council Mr. Wills placed the views of the Gonds before the House in the following words:—

> "Among the Gonds the consumption of liquor is not merely a social habit; it is absolutely a religious necessity. You may interfere with the social habits of a people, but not with their religious rites. There is no one to speak in this Council on behalf of these people. There are in this Province no less than 2½ millions of Gond and allied tribes to whose religion liquor is indispensible. They constitute 1/6th of the total population of the province, and I therefore maintain that any prohibitive legislation which does not make special arrangements for this 1/6th of the population is absolutely unjustifiable".

In spite of this appeal a resolution was adopted asking for the stoppage "with as short a period as may be practicable of the sale of country liquor *throughout the whole province*". In 1934 the number of illicit distillation cases instituted in this district was 275. In these cases 351 persons were involved out of whom as many as

318 (90 per cent.) were aborigines. The total number of accused in criminal cases who belonged to aboriginal tribes was 384. Out of these 318 were tried under the Excise Act.

20. At present out of 101 working societies there are as many as 68 in Mandla tahsil, only 12 in Dindori and 21 in Niwas. The Gonds as a rule have a debt repaying conscience and should make very good co-operators. A separate Circle Auditor should have been posted at Dindori on special duty to consider the possibilities of organising co-operation in the Gondi tracts in a specially simplified form. Attention should also have been paid to the training of the Gonds in carpentry, mat-making, basket making, wicker work and other similar cottage industries for which raw material is available in the local forests. Nothing much has so far been done by the Co-operative and Industries Departments to better the lot of the aborigines.

21. This district has a notoriously bad climate. The climate is worst in the interior where the aborigines predominate. It is surprising that the Medical and Public Health Departments have selected this district for the purposes of special retrenchment. The Forest Department maintains two Divisional Forest Officers for Mandla because of the importance of the district from the forest point of view. The Excise Department posts an Assistant District Excise Officer here on account of the importance of the district from the Excise point of view. The Medical Department on the other hand, has selected this district for abolishing the post of the Civil Surgeon, in spite of its well-known unhealthiness. Even the post of the Assistant Surgeon is given as consolation prize to Assistant Surgeons on the verge of retirement instead of reserving it for young and energetic officers who are anxious to ensure promotion by hard and meritorious work of an outstanding character. It is true that in the Main Hospital and outside Dispensaries the ordinary work may be too little to justify the retention of the normal staff of a district but the field for outdoor work is unlimited. The main duty of the medical officers posted to this district should be to do extensive touring under the guidance and control of the Deputy Commissioner, who knows the local conditions and to carry medical relief into the interior of the district. For this type of work the district requires young and energetic officers, whose retention in this district should not outlast their enthusiasm for the uplift of the aborigines. At present officers awaiting superannuation are sometimes allowed to stay on in the district in spite of having already been here more than 5 years. The aborigines might have pointed out that their district might not have been so used, if they could hope to produce in the near future a representative qualified to be the Chief Minister of the Central Provinces.

22. Having pointed out that the transferred departments have taken no special interest in them the Gonds might have submitted that they could see no grounds for entertaining the hope that the introduction of the new Constitution will ensure a better deal for them in these and other departments all of which will now be transferred.

23. The strong possibility that the majority in the Provincial Legislative Assembly may be used to interfere with the religious and social customs of the aborigines has also to be considered. As a case in point a reference is invited to R. B. Jaiswal's Gond Succession Bill in which it was proposed to bring the Gonds under the Hindu Law. I consulted the opinion of representative Gonds personally and Father Elwin obtained the opinion of the Gond residents of 27 villages. They were all strongly opposed to the proposal. I enclose a copy of the strongly worded letter of protest sent by Father Elwin against "this most unwarranted attempt to interfere" with the customs of the Gonds and to change them against their "wishes in the interests of the Hindu majority".

24. In my opinion the condition of the aborigines is so backward and they are so ill equipped to protect themselves from such harm as may be done to them under the new constitutional arrangements that I venture to think that partial exclusion from the scope of Provincial Autonomy will not suffice. What they require is a modification of the existing machinery of administration to suit their special needs and the single-minded direction of such administrative machinery as may be devised for them, towards the sole end of securing their betterment and prosperity. In order to ensure this it may be necessary to give the Deputy Commissioners posted to the aboriginal district a more effective control over the development departments, *e.g.*, the Co-operative, Veterinary, Agriculture and Medical Departments and also over such technical departments as the Forest, the activities of which have an important bearing on the welfare and happiness of the aborigines. It may be necessary to recruit special types of officers, both subordinate and superior who are likely to be interested in aboriginal welfare, to give them special training and to arrange their postings and transfers in such a manner as prevent them from overstaying their utility. Special financial arrangements may be necessary to make up to the aborigines what they have lost through not getting their due share of development grants and special legislation may even be necessary to protect their interests against the non-aborigines. I venture to submit that if a determined attempt is to be made to carry out the policy outlined above, without the total exclusion of the aboriginal areas from the scope of Provincial Autonomy, the occasions on which friction may arise between those who will be responsible for carrying out this policy and the Honourable Ministers are likely to be many, specially in cases in which the measures proposed are unpopular with the non-aborigines upon whose support the Ministry will depend for remaining in power. For a long time to come the abbrigines are bound to play such an insignificant and ineffective part in the political life of these provinces that it may be considered to be against the dictates of political wisdom to encourage the frequent raising of issues, however vital they may be to the interests of the aborigines, if they are likely to cause a turmoil in provincial politics. Partial exclusion of the aboriginal areas, I am afraid, is not likely to ensure a determined, single-minded and wholehearted endeavour to better the lot of the aborigines.

25. As Deputy Commissioner of this aboriginal district it is my duty to put forward strongly the case of the Gonds for a chance to

develop along their own lines. In doing so I have tried to place myself in their position and have attempted to state this case, as nearly as possible in the manner in which they might have done themselves had they any political spokesman of their own. I do not think that it would be in keeping with the traditions of the service if I were to let them down at this critical stage in their History, either by allowing their case to go by default or by understating their case, through the fear of causing offence, when none is meant.

DEMI-OFFICIAL LETTER FROM FATHER ELWIN, DATED THE GOND SEVA MANDAL, KARANJIA, THE 14TH MAY 1935, TO THE DEPUTY COMMISSIONER, MANDLA.

Thank you for your letter enclosing for opinion a copy of Rai Bahadur Jaiswal's Bill for amending the Law of succession and adoption relating to the Gonds. On receipt of it, I prepared a questionnaire covering all the main points of the Bill and sent our workers with it to all the chief Gond villages in the neighbourhood. Today, I have received answers from 27 villages, namely, Bijori, Senguda, Kotnatola, Barenda, Aminpur, Saraiha, Deori, Bundela, Kotri, Medhakhar Birbaspur, Burgaon, Bondar, Rusa, Ryatwar malguzari, Barnai, Rammagar, Harra Tola, Tikra Tola, Karanjia, Narigwara, Rudi Tola, Pipar Tola, Pachdar, Karondi, Kannat and Barra Tola. Among these questioned were several Gond malguzars and both Gonds and Raj Gonds.

In each case our workers were instructed to seek out the older Gonds and to see that there were no members of other castes present to confuse the issue. The answers from each village were written on separate sheets of paper. The questioners included a Brahmin, a Mussalman, a Christian, two Gonds, a Panka, a Kunbi and two Mehras, and it is therefore all the more striking that in spite of the obvious temptation for each to write what was familiar to himself rather than to record the opinion of the Gonds, so large a measure of unanimity was obtained.

(1) The first question was when a Gond dies, who receives his property and how is it divided? To this every one answered that it was divided equally between the sons, save that three villages added that some share was given to the wife if living, and three other villages stated that the eldest son received a larger share, the rest of the property being divided equally among the other sons. Should a Gond die without sons, the elders of the village allot his goods first to the wife—should she be living—or else they divide it among his relations. If there are no relations, the property passes to Government.

(2) The second question was this—"A Gond, Dhokal, dies. He has two sons, Buddhu and Kartik, Buddhu has one son, while Kartik has four. How is the property divided between Buddhu and Kartik?" The answers were unanimous that the property went in equal shares to Buddhu and Kartik, whereas in Hindu Law Kartik's family would receive a much larger portion. Indeed so far are the Gonds from accepting the Hindu Law on this point that some villages replied

that Buddhu might receive a larger share (even though he only had one son) because he was the eldest.

(3) The third question asked "Is adoption very common among the Gonds?" Thirteen villages replied that though they had heard of the custom, it was very rare, and that no case of adoption had ever occurred in their village within living memory. Seven villages stated that there was no such custom among the Gonds. And two villages, Bondar and Ramnagar, both—be it noted—villages situated on the highroad of Hindu commerce, each reported one case of adoption within their borders.

(4) The fourth question asked, "Do the Gonds observe the joint family system, with the father or eldest member as the manager of the family?" To this eight villages gave a definite negative, stating that after marriage separate households were always set up, and that these did not regard the senior member of the whole family as having any power over them. The others stated that though it was not the general custom of Gonds to live as a joint family after marriage, occasionally the married couples would remain for some time under the parental roof. So long as they did so, they naturally looked up to the senior member as head of the family, but afterwards when they separated they became completely independent. But they all added that such arrangements were rare and of temporary duration. This is so even with the "Hinduised" Raj Gonds. Further the Gond system of partition proves that they have no idea of the Hindu joint family system.

(5) The last questions were these. "Are the present customs the same as they were in the old days; if not, what changes have come about?" and "Do you want any alterations in the existing customs or laws relating to these matters?" To both questions the answers, though differently expressed, were unanimous in content from every village. These are the old customs of the Gonds, and we do not want any change or interference in them.

These answers come from typical Gond villages in a typical Gond district. It is possible that a few Gonds who live in or near the big towns have been "immensely influenced in secular matters by Hindu ideas". But the real Gond of the forests remains an aboriginal in manners, outlook and law. It means nothing that he returns himself as a Hindu at the time of Census: that simply means that he thinks that by doing so he may achieve some rise in social status. Our questionnaire has, I think demonstrated sufficiently the wide gap that separates him even in secular matters from the Hindu.

Rai Bahadur Jaiswal's Bill is founded on a number of statements that have no foundation in fact. "Adoption", he says, "is very common among the Gonds". In fact, it is practically unknown.

"Their living is almost on the same lines as a joint Hindu family with a manager in the father." The almost universal custom of separating after marriage from under the parental roof, as well as the Gond custom of partition, disproves this statement.

"They partition the family property just as any Hindu does". The exact opposite is the truth.

"The Bill, therefore, fits in with the existing conditions". It would have been nearer the truth to have written, "The Bill, therefore, contradicts the existing conditions," and represents a most unwarranted attempt to interfere with the customs of the Gonds and to change them against their wishes in the interests of the Hindu majority.

The Gonds have quite enough reactionary customs and superstitions already to hamper their progress without having any others introduced against their own desire by the Legislature.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, HOSHANGABAD, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, No. C./381, DATED THE 14TH SEPTEMBER 1935.

1. Paragraph 2 of the memorandum now being answered contains a slight inaccuracy. This district contains the scheduled districts of Chhater and Bariam Pagara Jagirs, and a few villages of the Chhindwara Jagirs of Pachmarhi and Almod. These territories, now in Hoshangabad district, were in Chhindwara district in 1874.

2. Paragraph 5 of the memorandum asks for a report on the numbers, distribution and comparative evolution of aboriginals in this district, and as to the areas which I think should be excluded or partially excluded under the new Government of India Act.

3. The figures given in Appendix I on page 383 of the 1931 provincial census report are:—

Unit.	Total population.	Primitive tribes.		
		Tribal religion.	Hinduized.	Total.
Narsinghpur Sub-division	321,481	42,890 13·3%	4,557 1·4%	47,447 15·7%
Hoshangabad Tahsil .	141,553	15,510 10·9%	6,467 4·6%	21,977 15·5%
Harda Tahsil . .	141,674	6,483 4·6%	13,330 9·4%	19,813 14·00%
Seoni-Malwa Tahsil .	65,369	7,862 12%	1,610 2·5%	9,472 14·5%
Sohagpur Tahsil . .	138,094	15,595 11·3%	8,484 6·1%	24,079 17·4%
District Total . .	808,111	88,340 11·0%	34,448 4·2%	122,788 15·2%

Thus, out of very thousand persons in the district 152 are aboriginals.

4. Of these we can exclude from practical consideration Kol, Koli, Sawara and Bhil, 1,961 in all, who for practical purposes are Hindu labourers in this district. The major tribes are:—

	Narsinghpur.	Rest of Hoshangabad.	Total.
Gond—			
Tribal	40,078	33,083	73,161
Hindu	2,166	15,537	17,703
Others	1	1	2
Total	42,245	48,621	90,866
Korku—			
Tribal	1	9,865	9,866
Hindu	..	12,149	12,149
Total	1	22,014	22,015
Bharia Bhumia — Tribal	1,153	677	1,830
Bharia Bhumia — Hindu	992	81	1,073
Total	21,145	758	2,903
Pardhan and Ojha — Tribal	1,437	1,537	2,974
Pardhan and Ojha — Hindu	145	920	1,065
Total	1,582	2,457	4,039

The figures of tribal religion and of Hinduism are as unreliable in this district as elsewhere in the province much depending on the idiosyncrasies of the district census officer or the enumerators. Actually the Narsinghpur Gonds are far more detribalised than the Hoshangabad, yet only 2,166 out of 42,245 Gonds are shown as Hindus in Narsinghpur, against 15,537 out of 48,621 in Hoshangabad. The figures are perhaps more accurate for Korkus, because the large Korku population in the north-west of Harda tahsil has lost its language and much of its tribal religion.

5. The bulk of the aboriginal population lives in the villages along the Satpura hills on the southern edge of the district, from the Jubbulpore border in the east to the Nimar border in the west, and is an overflow beyond the northern crests of the hills of the large aboriginal populations of Lakhnadon Tahsil and the Amarwara and Chhindwara Jagirs of Chhindwara district and the Betul and Bhainsdehi tahsils of Betul district. In considerable lengths of the hills large tracts of Government forest intervene between the aboriginals of this district and their kith and kin south of the hills; but (*a*) there are several forest villages in these Government forests which preserve

tribal communications, and (*b*) the forest barrier is broken at places, notably (i) in the raiyatwari tract around Charwa in the south-west of Harda Tahsil, sandwiched between Harsud Tahsil and Makrai State, (ii) by the isolated Rajaborari tract. Harda patwari circle No. 80 in the south-east corner of Harda Tahsil, (iii) by the important Bordha-Taku plateau on both sides of the Hoshangabad-Betul road south of Itarsi in Hoshangabad Tahsil, (iv) by the jagir country from Rorighat and Pachmarhi eastwards to Fatehpur in Sohagpur Tahsil and thence to Salichouka Government forest in Gadarwara Tahsil, and (v) at several points along the southern border of Gadarwara and Narsinghpur tahsils.

6. Tahsil by tahsil, from west to east, the distribution and conditions are roughly as follows:—

A. Harda Tahsil.—Of the 19,813 most are Korkus, and the majority of these are semi-Hinduized Hindi-speakers living in the low hills around Bairi in the north-west of the tahsil in the 35 villages held by the Korku Thakur Sena Rai of Bairi and two other branches of his family. These Korkus though no longer Korku speakers still take wives sometimes from Mawasi Korku-speakers in Sohagpur tahsil; the Thakur Sena Rai, *e.g.*, himself intermarries with the Korku Jagirdar of Barian-Pagara, many of whose relatives still speak Korku as their mother-tongue. Many distinctive Korku marriage, social, funeral and religious customs survive among them. Begar and other illegal dues are regularly levied not only by the Hindu servants of the Korku proprietors, but by other malguzars. Bairi is almost the only school among them. Except the Thakur family there is hardly a man among them fit to use a vote. The rayatwari villages of the south-west and adjacent malguzari villages in patwari circles Nos. 72, 73, 74, 75, 76 and 79 contain a mixed population mainly Gond and Korku, extremely backward. Lastly the isolated Rajaborari patwari circle No. 80 is peopled almost entirely by very primitive Gonds and Korkus many of whom hardly understand more than a smattering of Hindi. There is a school of sorts at Rajaborari, recently opened, but otherwise hardly any attempt has been made to enlighten these aboriginals. In the plains villages close to the foothills Gonds and Korkus are Hinduized and no worse qualified to exercise the franchise than their Hindu and Muslim neighbours. The people of the few forest villages are also for the most part Gond and Korku.

B. Seoni Malwa Tahsil.—Save for a few Gondi-speakers along the Narbada banks, for whom exclusion is quite impracticable, the bulk of the aboriginal population are Gonds, with a few Korkus, along the southern border and the northern fringes of the Government forests. Certain tracts are very backward and primitive, and dahya cultivation is practised if an opportunity presents itself. The backward tracts are the Government forests and patwari circles Nos. 39, 40 and 27.

C. Hoshangabad Tahsil.—Here too a few Gondi-speaking villages along the Narbada west of Hoshangabad must be left out. But the Bordha and Taku estates and adjacent forest, rayatwari and malguzari villages are predominantly Gondi, with a large Korku admixture, and the Gonds and Korkus retain their tribal religion and language. The

4 or 5 schools are mainly used by the Hindu and Muslim settlers. The Subedar proprietors of Bordha and Taku maintain their eighty-year-old reputation as oppressive landlords of their aboriginal tenants. The area is thoroughly backward and the villagers unfit to vote and in need of special protection. This would apply to patwari circles Nos. 58 to 64 inclusive and the forest villages in all Government forests in the tahsil south of the Bombay-Itarsi-Allahabad railway line. There are also many Gondi-speakers between these areas and the railway line at such villages as Chhipi Khapa: but their exclusion is not practicable.

It may be noted here that the bulk of the Gondi and Korku speakers are in these three western tahsils. Separate figures were not isolated for them at the census: but of their total aboriginal population of 51,262, 21,576 spoke Gondi and 11,620 Korku as their mother-tongue. The corresponding figures for Sohagpur tahsil were 1,823 Gondi and 936 Korku, and for Narsinghpur sub-division 271 Gondi and 0 Korku.

D. Sohagpur Tahsil.—Although of a primitive population of 24,079 only 2,759 were returned as speaking tribal languages, this is no true index of the need for protection: compare for example the adjacent Chhindwara and Amarwara Jagirs with a primitive population of 59,067 (76·2 per cent. of the total population) but only 27,634 Gondi and 9,835 Korku speakers. Very many of the Gonds in Barrai jagir for example and all the Bharia Bhamias speak only Hindi. Nearly two-thirds of the Sohagpur primitive population was returned as tribal by religion; the proportion must be even higher, in view of the notorious tendency of Hindu enumerators to swell the numbers of Hindus by inclusion among them of followers of tribal religions. Nevertheless Sohagpur Tahsil, especially in the east (Piparia R. I.'s Circle) contains right up to the Narbada substantial Gond elements in the good villages of the open country which could not conceivably be excluded, I should take as the areas needing protection for their extreme backwardness all the Government forests, and patwari circles 25, 26, Hatni-Khapa Mohari Khurd and Kursikhapa in patwari circle 22, Dabka and Anhani in patwari circle 21, patwari circles 27 and 64 (these include all the Bariam-Pagara jagir and the Hoshangabad villages of Pachmarhi and Almod jagirs, which are scheduled districts but exclude Pachmarhi cantonment and municipality), 38, 62 and 63 (these include Chhater Jagir, a scheduled district). In the jagir areas despite their proximity to Pachmarhi shifting cultivation is practised by Gond, Korku and Bharia alike. Bariam-Pagara and Pachmarhi are held by Korku jagirdars, and Chhatar and Almod by Gond. There are only 3 schools in all the patwari circles mentioned (excluding Pachmarhi cantonment schools).

E. Narsinghpur Sub-Division.—My recommendations here suffer from the fact that I have toured only in the south-east of Narsinghpur Tahsil near the Lakhnadon border, and that the Sub-Divisional Officer and both the Tahsildars are new to the sub-division and have not toured. My impression, despite the very high percentage of primitive population returned as following tribal religions in the sub-division, is that the figures of tribal language are a truer indication of the degree of advancement, *viz.*, only 271 persons out of 47,447. There

is a large Gond element in the Fatehpur, Chichli, Gangai and Hathnapur Raj-gond estates along the southern border of Gadarwara tahsil and along the Amarwara and Lakhnadon borders of Narsinghpur Tahsil. At the most circles Nos. 52—56, 87, 88 and 85 of Gadarwara Tahsil, and Nos. 25, 27, 42—49, 86, 84 and 85 of Narsinghpur, and the adjacent Government forests, might be treated in the same way as the adjacent Amarwara and Lakhnadon tahsils and perhaps transferred to them should they be excluded. There are further Gond villages in the areas north of the Narbada. These could not possibly be excluded.

7. *Recommendations.*—(a) *General.*—I have already summarised in the note of May 1st, 1935, which I sent to the Chief Secretary in reply to the General Administration Department letter No. C.-195-IV of May 5th, 1934, my general views on the moral and material elevation of the aboriginal tribes of the province. The reference now under reply, it is true, asks only for my opinion about this district, so far as partial exclusion goes, though I am asked for my opinion whether it will be necessary "to treat any areas in this province as excluded". But my feelings about the aboriginal problem are so strong, and the present reference, if I may be excused for saying so, from its very limited scope, does so little to encourage a hope that the problem has been realized to be pressing and calling for drastic and early remedies, that I venture again to draw attention to paragraphs 4 to 11 of my memorandum of May 1st, 1935.

8. (*b*) *Hoshangabad District.*—In this district, applying the criteria laid down in paragraph 5 of the reference now being answered for exclusion and partial exclusion I am opposed to any total exclusion. But I recommend partial exclusion of the following areas already described in paragraph 6 of this letter:—

A. *Harda Tahsil.*—(i) Patwari circles Nos. 72 to 76 inclusive and 79.
(ii) Patwari circle No. 80 (Rajaborari) and adjacent Government forest.

B. *Seoni-Malwa Tahsil.*—Government forests, and patwari circles Nos. 39, 40 and 27.

C. *Hoshangabad Tahsil.*—Government forests, and patwari circles Nos. 58 to 64 inclusive.

D. *Sohagpur Tahsil.*—Government forests, and parts of patwari circles Nos. 21 and 22, and the whole of circles Nos. 25, 26, 27, 64, 38, 62 and 63. These would include the Chhater and Bariam-Pagara jagirs and the Hoshangabad villages of the Pachmarhi and Almod jagirs.

I have so far omitted the Korku area in the north-west of Harda and all the areas along the south of Narsinghpur sub-division. I think that the areas I have suggested are big enough to be administered even after partial exclusion by the Deputy Commissioner, Hoshangabad; if this is agreed, I would also partially exclude the Korku area of north-west Harda; but I doubt whether there is any case for partial exclusion of any Narsinghpur areas save perhaps for a few tracts or villages which could without difficulty be transferred to Chhindwara district, in which I assume partial exclusion of at least the jagirs. As I pointed out in paragraph 9 of my memorandum of

May 1st, 1935, "ideally I would re-draw district boundaries" involving in the case of Hoshangabad transfer of the partially excluded area (i) of Harda to Nimar, and area (ii) to Betul, of the Seoni-Malwa and Hoshangabad partially excluded areas to Chhindwara, or to the new aboriginal administrative units suggested in that memorandum; "but this would involve great administrative dislocation, and there are distinct advantages in having many districts with partially excluded or scheduled areas it would train more officers in the handling of the problem, and bring it home to more of the general and political public."

9. Both in these partially excluded areas and in the other aboriginal areas of the district I would press also strongly for the remedial measures suggested in paragraphs 11 to 14 of my memorandum of May 1st last.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, NIMAR, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES. No. Q., DATED THE 10TH SEPTEMBER 1935.

I. The number of aborigines in this district, according to the Census of 1931, is as follows:—

Bharis-Bhumias	3
Bhils	24,993
Bhumjias	40
Gonds	10,411
Halbas	246
Kols	15
Kolis	3,352
Korkus	52,172
Murias	11
Pardhans	117

Apart, therefore, from the Bhils (24,993), the Gonds (10,411) and the Korkus (52,172), with the possible exception of the Kolis (3,352), the other aboriginal tribes are not important and need not be considered in deciding whether there should be any partially excluded area for Nimar district under the Reforms.

II. *Khandwa Tahsil*—

Distribution.—A majmuli map is enclosed showing the distribution over this tahsil of all aboriginal tribes taken together. The Halbas, Kolis, Murias and Pardhans are comparatively few in number. The Bhils (22,379) are chiefly concentrated in a portion of the Ghatakhedi Estate in the Pandhana Revenue Inspector's Circle. This area is geographically isolated from other concentrations of aboriginals with the natural consequence that the Bhils living there have taken to the civilization of their neighbours and are now not very backward. About 70 per cent. of these Bhils are tenants possessing land, who are not much behind other rural communities and deserve no special consideration under the Reforms. The Gonds (3,642) and the Korkus (8,018) predominate in the ryotwari tract in the Singot Revenue

Inspector's Circle which adjoins the Padlia Revenue Inspector's Circle of Harsud Tahsil. This is the only continuous strip of territory which may be definitely characterised as aboriginal and it is definitely the most backward part of the Tahsil. The Gonds and the Korkus are also found in considerable numbers in the portion of the Mundi Revenue Inspector's Circles round about Punasa but they are scattered all over ryotwari and malguzari villages and there is no compact area in which they predominate, and therefore the aboriginals in the Mundi Revenue Inspector's Circle cannot be separated from their neighbours for any special treatment under the Reforms.

Comparative Evolution.—The Bills used formerly to clothe themselves sparingly and live in the jungle and hunt with bows and arrows. Subsequently they took to crime and illicit distillation but have now settled down to agriculture and large number are tenants. They are taking to education fairly readily and are now considered almost as well off as the Bhilalas of this Tahsil and are not far behind other communities now.

The Korkus.—These people originally lived in the jungle on shikar by means of trapping and hunting with axes. Although originally akin to the Bhils, they have not kept up with the times as the Bhils have done. They are still very backward and are rarely found possessing land in ryotwari villages. Some work as agricultural labourers, but their chief occupation is still connected with the forest, being the sale of fuel, grass and other forest products.

The Gonds.—These people were better off formerly in the time of the Gond Rajas but has since lost estates and villages. They now live on agricultural labour or serve as coolies on railway lines. A few have acquired cultivation in ryotwari villages and also sell forest produce.

III. *Harsud Tahsil*—

Distribution.—A majmali map is enclosed showing the distribution of all aboriginal tribes taken as a whole over this Tahsil. The only important aboriginal tribes in Harsud Tahsil are the Gonds (5,490) and the Korkus (23,960). They are chiefly to be found in the areas contiguous to Government Reserved Forests but some in recent times have migrated to the plain and fertile places of the Tahsil for the purposes of cultivation. They predominate in the Padlia Revenue Inspector's Circle where their population ranges from 75 per cent. to 100 per cent.

Comparative Evolution.—This is very much the same as has been mentioned under Khandwa Tahsil. The Gonds and the Korkus are very poor economically maintaining themselves by selling forest produce and working as labourers in extracting forest produce or as agricultural labourers. Some have recently taken to agriculture and are petty agriculturists. As a class they are illiterate. The aboriginals of Harsud Tahsil number 29,729, or approximately 30 per cent. of the total population 87,726. But apart from their numerical strength, the aboriginal tribes of the Tahsil have little influence and are not important. Unless steps were taken to specially safeguard their interests under the Reforms, their interests are likely to suffer from their more influential neighbours.

IV. *Burhanpur Tahsil—*

Distribution.—I have not been able to obtain a distribution for this Tahsil in the same detail as was obtained for Khandwa and Harsud Tahsils. The most important aboriginals in this Tahsil are the Korkus (20,194), the Kolis (3,256), the Bhils (2,468), and the Gonds (1,279). The Korkus are much the most important and chiefly occupy the Khaknar tract. A majmuli map is enclosed with the area marked red in which the aboriginals preponderate.

Comparative Evolution.—The aboriginals in this tract are still very primitive in the ways of their living and are mostly illiterate. They still adhere to their old ways of living and old methods of cultivation, and do not mix freely with persons of other religions. They still worship their tribal deities. The Khaknar tract is surrounded on the north and south by large belts of reserved forests and includes in its heart the Sambhardeo Reserved Forest and adjoins on the east the backward Melghat Taluq of Amraoti district. The aboriginals inhabiting the tract are very probably very little different from their neighbours in the Melghat Taluq in the point of evolution.

V. *Recommendation.*—While fully realising that in the past no distinction has been made in the method of treatment of the various inhabitants in this district whether they were aboriginals or not, I am of opinion that in view of the far-reaching efforts of the new Reforms special steps are necessary to safeguard the aboriginal interest under the new conditions. I notice that the adjoining Melghat Taluq of Amraoti district was excluded from the franchise under the present reforms by reason of its undeveloped condition. I am not aware what proposals under the new Reforms the Deputy Commissioner, Amraoti, is proposing, but I consider that a considerable homogeneous tract of this district could be conveniently dealt with on exactly the same lines as the Melghat Taluq would be dealt with under the new Reforms. If Melghat Taluq is not to be treated as a partially excluded area, there would not obviously be any case for any portion of this district to be treated as a partially excluded area. On the assumption that all or part of Melghat Taluq will be partially excluded, I recommend that the portion marked in red on the Burhanpur majmuli map enclosed, and the portion enclosed by the heavy blue line on the enclosed majmuli maps of Khandwa and Harsud Tahsils should be treated as partially excluded areas. The Chandgarh Estate in the north of Harsud Tahsil is very backward as also the portion to the north-east adjoining Government Forest of the Tahsil. The area is too small and isolated to deserve special consideration unless there is a sufficiently big contiguous portion of Harda Tahsil which also deserves special considerations.

COPY OF LETTER FROM THE COMMISSIONER, CHHATTISGARH DIVISION, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, PACHMARHI.

I have the honour to refer to your endorsement No. 277-403-R./1-I., dated the 19th July, 1935, on the subject of the areas of the

Chhattisgarh Division to be excluded or partially excluded under the Government of India Act. Proposals will have reached you direct from the Deputy Commissioners, Raipur, Bilaspur, Drug and Bhandara. No proposals have been received by me from the Deputy Commissioner, Balaghat, but as the reply is overdue, I am not detaining this reference any longer. I send herewith in original the maps to accompany Deputy Commissioner, Drug's letter of the 10th September, 1935, which illustrate his proposals.

2. Undoubtedly, as pointed out by the Deputy Commissioner, Bilaspur, there are tracts in the Zamindaris of Chhattisgarh proper, which till recently have been neglected from the administrative point of view and where the people are simple, primitive and as a rule unsophisticated. That such areas do merit some differential treatment is shown by their history; most of them figure as scheduled districts under the Act, a number of them have been excluded from the franchise, excise arrangements are different (out-stills and low issue prices), the Land Alienation Act has been extended to some of them and special provisions from time to time have been inserted in the revenue law to regulate the conditions prevailing therein, *e.g.*, the provisions of the Land Revenue Act relating to the protection of the kadars and village headmen. It is possible under the new constitution that such areas will not be adequately represented in the new legislature and that their special needs and requirements may be overlooked or sacrificed to those of more sophisticated and developed areas. On the whole then I am inclined to recommend that certain of the Zamindaris should be treated as partially excluded areas.

3. I agree with the Deputy Commissioner, Bhandara, that no area in that district requires protection. In the Raipur district, the Deputy Commissioner thinks that the Deri and Bindra Nawagarh Zamindaris merit consideration for partial exclusion. With this I agree. As the information supplied shows, they are thinly populated, largely by aboriginals, and are undeveloped. The two Zamindaris, which would come next to them on the score of lack of development and an aboriginal population, are Kauria and Suarmar. On the ground of similarity of conditions, I would suggest that if it is decided to constitute Deori and Bindra Nawagarh as a partially excluded area, then Kauria and Suarmar should also be included in that area; this will render it a continuous and fairly compact block, stretching from north to south in the broken country of the east of the Raipur district.

The Deputy Commissioner, Bilaspur, advocates that the seven Satgarh Zamindaris, which form a compact block with an area of 3,549 square miles, should be partially excluded and I agree with him. He also advocates that some 190 square miles in the north of the Pandaria estate should be partially excluded. But I do not support this. Apart from the difficulty of having one part of an estate partially excluded and the other not, the former area is largely jungle and hill with a sparse population and is too small an area to merit differential treatment.

In the Drug district, the Deputy Commissioner proposes to have two partially excluded areas, one in the south and the other in the north of the district. In my opinion his proposals go somewhat too far. The Dondi Lohara Zamindari and the Thema and Sanjari khalsas

have mixed populations, which are not nearly so backward as those of the four *ex*-Chanda Zamindaris to the west. I would, therefore, recommend for partial exclusion only the four scheduled Zamindaris of Ambagarh, Chowki, Panabaras, Koracha and Aundhi. As regards the northern area, comprising the Thakurtola Zamindari and parts of the Gandai, Barbaspur, Silheti and Sahaspur Lohara Zamindaris, the difficulty arising from differential treatment of parts of estates will obtain and I think that unless the adjacent portion of the Baihar tahsil of the Balaghat district is to be partially excluded, this area is too small to have special administrative measures.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, RAIPUR, No. 9, DATED THE 27TH AUGUST 1935, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES.

A report has been called for on the position in this district with regard to aborigines, their numbers, distribution and stage of comparative evolution, with a recommendation as to the areas which should be treated as excluded or as partially excluded under the provisions of the Government of India Bill. The areas which merit consideration for this purpose would be only those which have been regarded as backward in the past by the application of the Scheduled Districts Act or which have been excluded from the franchise in view of section 52-A(2) of the Government of India Act. In the former category falls the zamindaris of Khariar, Bindra-Nawagarh, Phuljhar and Fingeshwar and in the latter the following:—

(i) Kauria,
(ii) Suarmar,
(iii) Narra,
(iv) Deori,
(v) Bhatgaon,
(vi) Bilaigarh-Katgi.

2. I took charge of this district in February and have therefore been unable to tour much in the aboriginal tracts. My personal knowledge of the area and people is therefore very little. I have therefore been obliged to rely mainly on the Settlement Reports and on a note I obtained from Mr. Gangrade, E.A.C., who has been for some years in charge of the Court of Wards estates which form the greater part of the aboriginal tract. A statement is enclosed, showing the population of each of the zamindaris. No information is available about the numbers of the different castes into which the aborigines may be divided in each of the zamindaris in the district. But the Census Report, at page 384, gives in a tabular form the percentage of population of the primitive tribes under two classes, *i.e.*,

(i) following the tribal religion; and
(ii) Hinduised.

The zamindaris have been grouped together either amongst themselves or with the khalsa portion of Mahasamund and Baloda Bazar tahsils, the figures being as follows:—

	Tribal.	Hinduised.
Deori, Kauria and Phuljhar	9·7	30·6
Bindra Nawagarh	7·0	41·9
Mahasamund khalsa and Fingeshwar	6·9	17·3
Suarmar, Narra and Khariar	7·3	26·8
Baloda Bazar khalsa, Bilaigarh-Katgi and Bhatgaon	2·1	13·1

It is interesting to note in this connection the high percentage in the following areas:—

Garchiroli tahsil	31·2	5·2
Ahiri zamindari	71·6	3·3
Bastar State	69·0	4·6

Compared to these areas, the zamindaris of Raipur district are comparatively well advanced. Moreover, they do not form a homogeneous tract of aboriginal country, like the Satgarh zamindaris of the Bilaspur district. At page 345 of the Census Report, the remarks of Mr. C. F. Waterfall, I.C.S., in his settlement reports of the Raipur and Drug Zamindaris, have been quoted in order to show who are the true aboriginals of the Zamindaris. It is stated that the Binjhwars of Deori, the Bhunjwas of Khariar, and the Kamars of Bindra Nawagarh are universally recognised there as the earliest inhabitants and as having at one time occupied far larger territories but that they have been driven out by more civilized castes into remote corners and wild and difficult country. It is further stated that the Gonds and Kawars are outsiders who have been domiciled in the zamindaris since before historic times. Other remarks of Mr. Waterfall, I.C.S. (quoted at page 50 of the Census Report, Volume II, 1931) are as follows:

"It is in the aboriginal country that the population is so sparse and has diluted itself over such waste areas. The Gond, the Binjhwar and their congeners decline to live in large and crowded Bastis, preferring to scatter themselves in tiny hamlets or paras over the country side where they are never far from the jungles on which they depend to supplement the resources of their cultivation".

The remarks (A) of Mr. C. D. Deshmukh, I.C.S., on the settlement of Phuljhar, Bilaigarh-Katgi and Bhatgaon zamindaris may also be quoted:—

"In the two northern zamindaris the authochthonous (*e.g.*, Binjhwar) and the semi-aboriginal element (*e.g.*, Gond, Ganda and Saora) is now very limited and the bulk of the population consists of later immigrants from the Khalsa (*e.g.*, Satnamis, Telis, Rawats, Kewats, Marars, Pankas and Kurmis). In Phuljhar..... the bulk of the population consists of Uria and Laria (Chhattisgarhi) immigrants, the most important of whom are Koitas from Sambalpur and Agharias from Chandrapur and Sarangarh". From the remarks of these two officers, the tribes which have been classed as primitive in the census figures can be known.

[(A) Page 50 of the Census of India, 1931 (Vol. XII) Central Provinces and Berar Part I-Report.]

3. A statement is appended showing the density per square mile of the total area and inhabited, *i.e.*, occupied, village area net cropped area per head of population, and the average holding and population at different periods of each zamindari. It will be seen from the figures that Phuljhar, Bilaigarh-Katgi and Bhatgaon are the most thickly populated zamindaris. The increase in the population has, as remarked by Mr. Deshmukh, been the result of immigration on a large scale from the Khalsa. The aboriginal inhabitants of these zamindaris have, by their contact with the immigrants from Khalsa, imbibed the culture of the latter, and therefore, these three Zamindaris may safely be omitted from consideration as to whether they should be excluded.

Kauria Zamindari has been under the management of the Court of Wards for a period of about forty years and has received a large influx of population from the Khalsa. The Settlement Officer remarked (B) about the Zamindari "Gonds are most numerous but they are semi-hinduised and have lost their language and customs". In Narra, 'the bulk of the population consists of Chhattisgarhis'. About Suarmar, it is stated by the Settlement Officer that about one-third of the population is aboriginal, the other inhabitants being Chhattisgarhis. These two zamindaris adjoin each other and the Raipur-Vizianagaram Railway line passes through Suarmar and within a few miles of the boundary of Narra. The Settlement Officer has also remarked (C) about Suarmar, "The zamindari was comparatively well developed at an early epoch and stands on quite a different footing from the other estates of the tract. It is not inconceivable that the fertile Jonk valley, with its remains of old forts and temples, was an out-post of civilization in these remote parts". The headquarters of the Fingeshwar zamindari is about ten miles from Rajim-Nawapara, a well developed town and the terminus of the Branch Railway line from Raipur to Rajim. About one-third of the population is aboriginal according to the settlement report. The value of the land in a major portion of this zamindari is, however, considerable and it is only on its fringes that the aboriginal tribes who have not come much in touch with civilization can be found. For the reasons given above, the zamindaris other than Phuljhar, Bilaigarh-Katgi, Bhatgaon mentioned in this paragraph should also be regarded as being in such a state of social development as would render their separate administration or consideration unnecessary.

4. There remain the three zamindaris of Khariar, Deori and Bindra Nawagarh. Khariar is shortly to be separated from this Province and need not therefore be dealt with. I would however quote the remarks (D) of the Settlement Officer which are as follows:—

"The aboriginal element made up of the Gond, the Saora, the Bhunjia, the Binjhwar and the Kamar is still the largest but does not

(B) Para. 4 (Population) on page 99 of the Annexure to the Settlement Report of the Raipur and Drug districts (1921—24) by Mr. C. F. Waterfall, I.C.S.

(C) Para. 4 (Population) on page 122 of the Annexure to the Settlement Report of the Raipur and Drug districts (1921—24) by Mr. C. F. Waterfall, I.C.S.

(D) Para. 4 (Population) on page 232 of Annexure to the Settlement Report of the Zamindaris of the Raipur and Drug Districts (1921—24) by Mr. C. F. Waterfall, I.C.S.

preponderate to the same extent as in the neighbouring zamindaris of Suarmar and Bindra Nawagarh.....the more virile Chhattisgarhi is pushing before him the aborigine and the Uria. If any reliance can be put on old traditions and place names, the latter at one time occupied the Jonk valley and its vicinity."

The Raipur Vizianagaram Railway which passes at a distance of thirty miles from the headquarters of the Zamindari has contributed materially to the uplift of the zamindari and it should now no more be regarded as mainly aboriginal country.

The Deori zamindari is a small and jungly yet compact, estate of 85 square miles, its headquarters Deori being 81 miles from Raipur and 40 miles from the nearest Railway station, Bagbahra, on the Raipur Vizianagaram Railway. Mr. Waterfall remarked (E) in the assessment report about this Zamindari "as a result of its isolated and remote situation, the estate has missed the tide of immigration from the Chhattisgarh khalsa and is the most undeveloped and backward of the Trans-Mahanadi zamindaris.....About half the population is aboriginal, Binjhwars being by far the most numerous caste, followed at a long distance by Gonds. The other inhabitants are of a mixed origin, Chhattisgarh predominating, but Urias from Sarangarh and Phuljhar are a not inconsiderable minority..... .....Considerably more than half the occupied area is tikra capable of growing only kodon or other minor rain crops every alternate year .....The agricultural practice of the aboriginal is primitive in the extreme.....The only crop in which he takes any interest is koden, his staple food-grain." The conditions here described prevail in the Bindra Nawagarh Zamindari also which is much larger in area *i.e.*, 1,473 square miles. Mr. Waterfall has remarked (F) about it, "The autochthonoi seem to have been the Bhunjias and Kamars, who have been driven to the fastnesses of the plateau and the jungles around it.....The Bhunjias are not averse to cultivation but the Kamars have never settled down to it..... The Gonds are certainly fairly recent arrivals according to their own accounts from the Madras side.....About one-half of the population are Gonds but they have lost their language and are becoming Hinduised." More than two thirds of this zamindari consists of a vast stretch of hilly jungle and it is to this area that the primitive tribes have been driven by the tide of immigration. This area is about 60 to 100 miles from a railway station and is sparsely populated. These two zamindaris of Deori and Bindra Nawagarh can, for the reasons given above, merit consideration for being afforded some protection under the Reforms. It does not, however appear necessary that both of them should be "excluded" so as to require separate regulations for their administration, because the primitive residents have become Hinduised and are amenable to the laws applicable to the other parts of the district. It is scarcely

(E) Paras. 3, 4, 6 and 7 on pages 79 and 80 of the Annexure to the Settlement Report of the Zamindaris of the Raipur and Drug districts (1921—24) by Mr. C. F. Waterfall, I.C.S.

(F) Para. 4 (Population) on page 183 of the Annexure to the Settlement Report of the Zamindaris of the Raipur and Drug districts (1921—24) by Mr. C. F. Waterfall, I.C.S.

necessary, I think, to classify them even as partially excluded areas. They are under the management of the Court of Wards and will probably remain under management for many years, and in consequence the interests of the aboriginal population will be duly protected.

5. My conclusions, therefore, are that

(1) no areas require total exclusion, and

(2) only the Deori and Bindra Nawagarh zamindaris merit consideration for partial exclusion. I doubt, however, whether, in view particularly of the fact that these two estates are likely to remain for many years under Court of Wards management, partial exclusion is necessary even for them.

Serial No.	Name of the Zamindari.	Area in square miles.	Density per square mile.		Net cropped area per head of population in acres.	Average holding in acres.	Population.				
			Total area.	Inhabited village area.			1866-68.	1901.	1911.	1921.	1931.
1	2	3	4	5	6	7	8	9	10	11	12
1	Deori	85	82	116	1·55	14	...	4,121	5,607	6,943	10,305
2	Kauria	285	124	146	1·70	19	...	20,550	30,213	35,324	36,419
3	Narra	23	181	196	1·40	14	1,078	2,881	F4,034	4,172	4,596
4	Suarmar	196	128	172	1·70	18	4,800	14,628	21,032	25,092	28,423
5	Fingeshwar	169	140	196	1·30	11	11,296	21,107	24,808	23,719	23,810
6	Bindra Nawagarh	1,473	52	128	1·10	18	13,300	58,505	84,456	76,883	89,283
7	Khariar	1,432	98	165	1·30	16	39,333	65,377	1,18,314	1,39,641	1,60,892
8	Phuljhar*	792	179	285	1·80	} Worked out.	65,873	1,02,135	...	1,41,791	1,65,353
9	Bilaigarh-Katgi*	170	244	448	1·30		...	27,000	...	40,790	44,822
10	Bhatgaon*	72	187	371	1·60		...	7,700	...	13,400	15,856

* 1931 Census figures from the district Office Record Room.

Col. 3 [for zamindaris para. 1 of the Assessment *cum* Takoli Report of the respective Zamindaris (Settlement Report of the except the Zamindaris last three) in the Raipur and Drug Districts (1921-24) by Mr. C. F. Waterfall.]

Col. 3 [for the last three para. 2 of the Forecast report of the respective Zamindaris (Settlement Report of the Phuljhar, Zamindaris) Bilaigarh-Katgi and Bhatgaon Zamindars of the Raipur district (by Mr. C. D. Deshmukh).]

Col. 7 [for Zamindaris para. 9 of the assessment *cum* Takoli Report of the respective Zamindaris (Settlement of the Zamindaris except the last three) in the Raipur and Drug districts (1921-24) by Mr. C. F. Waterfall.]

Cols. 4, 5, 6, 8, 9 and 10 [for para. 4 of the Assessment *cum* Takoli Report of the respective Zamindaris (Settlement of the Zamindaris except the last two) in the Raipur and Drug districts (1921-24) by Mr. C. F. Waterfall.]

Cols. 4, 5, 6, 8, 9 and 10 (for the last three Zamindaris).
- para. 5 of Forecast report of the Phuljhar Zamindaris.
- para. 3 of rent, rate and assessment report of Bhatgaon and Bilaigarh Zamindaris.
- page 27 of rent, rate and assessment for Bhatgaon Zamindari.
- page 39 of rent, rate and assessment for Bilaigarh Zamindari.

} Mr. Deshmukh's Settlement Forecasts Report.

MEMORANDUM, DATED THE 12TH SEPTEMBER 1935, FROM THE DEPUTY COMMISSIONER, BILASPUR, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, NAGPUR, AND ENDORSEMENT TO THE COMMISSIONER, CHHATTISGARH DIVISION, RAIPUR.

I beg to state as follows :

2. The areas in this district, which were excluded from the franchise under section 52-A(2) of the Government of India Act, 1919 were the scheduled districts, *viz.*, the 9 zamindaris of Pendra, Kenda, Matin, Lafa, Upropa, Chhuri, Korba, Pandaria and Champa and the non-scheduled zamindari of Kanteli. In short, all the ten zamindaris in the district were excluded from the franchise. Of these zamindaris, seven, known as the "Seven forts" or Satgarh constitute a well defined and compact territory, 3549 square miles in extent, stretching across the whole of the northern half of the district. The other three estates together have an area of 614 square miles. Pandaria is the largest of these and occupies the western half of the Mungeli tahsil. Kanteli is a small estate adjoining it while Champa is below the Satgarh in the open Janjgir tahsil.

3. The Satgarh tract was for centuries a backwater and till recently was very much neglected from the administrative point of view. The people are simple, primitive, and as a rule unsophisticated. They have managed to retain their characteristics and their easy-going habits due to the abundance of land and their comparative inaccessibility. The principal tribes are Gonds, Kanwar, Panka, Binjwar, Bhaina, Ganda, Dhanuhar, Majhwar, Pal, Khol, Khairwar, Bhumia, Binjhia, Oraon, besides some minor ones. The figures of population in respect of each of these aboriginal tribes are not available, but they form more than 75 per cent. of the population in the seven zamindaris as a whole, while in the five zamindaris comprised in the Katghora tahsil (Uprora, Korba, Chhuri, Matin and Lafa) they form no less than 90 per cent. of the population.

4. The need of protection for these local indigenous tribes has been always to the fore since Mr. Wills' Land Revenue Settlement of the Bilaspur zamindaris in 1912 and I cannot do better than append an extract from paras. 14, 15 and 16 of his report setting forth the various arguments in respect of special treatment for these people. (Appendix A).

5. The conditions in Kanteli and Champa are entirely different. Kanteli covers an area of only 26 square miles and forms an integral part of the surrounding khalsa country no part of it being more than 12 to 15 miles from Mungeli itself. Similarly the Champa estate which lies in the extreme caste of the district along either side of the banks of the Hasdeo river covers 101 square miles of almost entirely open country. The headquarters of the zamindari is a station on the main Bengal Nagpur Railway and is only 33 miles from Bilaspur. The railway line runs east and west through the estate, while a fairly good road runs north and south connecting a large part of the estate area with the railway.

The conditions in Pandaria are somewhat different. This estate lies in the extreme west of the district and covers an area of 487

square miles. The northern half is made up of forest and hills but the southern half forms a fine spread of highly fertile agricultural country. The open tract is connected with Bilaspur by a fair weather road *via* Mungeli and there is another good road direct from Pandaria itself to the Kargi Road station on the Katni branch line. But, the northern half of the estate comprising about 190 miles has a different tale to tell. As has been well remarked "a single march takes one from an open densely populated and thriving agricultural tract to mountains and forests towards the Mandla border, famed as a home for tigers and inhabited by probably the most backward forest tribe in the Central Provinces", i.e., Gonds. This area should therefore be classified in the same category as the Satgarh zamindaris.

6. I have carefully considered the question and consider that there is no area in this district which should be treated as excluded. As to the areas which should be considered as "partially excluded", I consider that there is at present no justification for treating the Kanteli and Champa zamindaris and the southern open part of the Pandaria zamindari differently from the adjoining khalsa portions. I therefore beg to recommend that the seven Satgarh Zamindaris and about 190 square miles of the Pandaria estate comprised within the zamindari patwari circles of Khairjitti Kukdur and Kamthi P. C. Nos. 1, 30, and 31 of the Pandaria revenue inspector's circle, should be treated as partially excluded.

7. A statement (Appendix B) giving the population of the ten zamindaris according to the recent census (the figures in brackets in column 5 are those of the last census) is attached. Also, a statement (Appendix C) giving the names of the villages in each of the three patwari circles of the Pandaria zamindari, referred to in para. 6 above.

APPENDIX A.

EXTRACT FROM THE FINAL REPORT ON THE RE-SETTLEMENT OF THE BILASPUR ZAMINDARI ESTATES BY MR. C. U. WILLS, I.C.S., 1912.

"There is evidence to show that the present social organization in these open zamindaris has been substituted in comparatively recent times for the more archaic semi-tribal form which still persists in the hill estates, and that this change has taken place owing simply to the natural facilities for immigration offered to the khalsa castes. Thus a tradition is recorded by the Settlement Officer of 1868 that the whole Mungeli tahsil was at one time held entirely by Gonds. This we can well believe, for there were in the Rajput and early Maratha days Gond Zamindars not only in Pandaria but also in Nawagarh and at Mungeli itself. At the present time the Gonds form an altogether negligible fraction of the population in the west of the district, being found in any numbers only in the hills to the north of Pandaria towards the Mandla border. A similar phenomenon is found in the Raipur estates of Bhatgaon and Bilaigarh-Katgi. Here, too, though the Zamindar of Bilaigarh-Katgi is himself a Gond, his tribesmen are found nowhere but in the fringe of forest villages along the Phuljhar border in the southern hills. One inference from

these facts is obvious, that in the more accessible estates the mere presence of an aboriginal Zamindar has afforded inadequate protection to his fellow tribesmen against dispossession at the hands of the more forceful khalsa immigrant Brahmins, Kshatris, Kurmis, Telis and Chamars. Granted a facility for immigration and at once the khalsa people have begun to drive off the earlier settlers to the hills.

This introduces an important problem of future zamindari administration. Every year sees greater inducements and fresh facilities offered for immigration to the wilder portions of the district, the present strong-hold of the aboriginal tribes, and past history shows that this new factor, if uncontrolled, will mean their steady if gradual displacement by traders and agriculturists from the open country. Is it incumbent on the Government to check this natural movement, or should it stand aside and allow free play to the competing forces, letting the weakest go to the wall? The chief peculiarity of the hill estates is the large predominance of the non-Aryan peoples—Kanwars, Gonds and the like, who are racially distinct from the people of the plains, and represent an earlier stage of social development. Their institutions are still predominantly tribal and, though the influence of Hinduism and the Hindu caste system has modified the line of separation between, say, the Kawar in the forest and the Kurmi in the open country, yet they are still sufficiently distinct to require in many respects differential treatment. The need for a definite policy of protection for the local indigenous tribes of the Satgarh is a matter which requires to be specially emphasized in the course of this report, not only because it has hitherto not received the attention it deserves but because the view has been advanced in certain quarters that such protection is unnecessary in the interests of the aboriginals themselves, and undesirable on a consideration of the general welfare of the tract. Against any policy of antagonism to the indigenous inhabitants or even of *laissez faire* where their interests clash with those of the Khalsa people who press upon their borders, I would enter a serious protest. Such a policy would be foreign to the traditions of our rule. The Land Alienation Acts of other provinces, our own policy in the Melghat taluk of Berar, the gift of a statutory status to the tenancy of these Provinces, are all indications that the play of free competition among the conflicting interests of a simple agricultural people is recognized as being fraught with grave dangers to the welfare of the country.

"The displacement of the aboriginal is an accomplished fact practically over the whole of the open country estates. Interest in their preservation therefore must in this district be centred on the seven northern estates the Satgarh, in which the aboriginal is still socially predominant but where there are already signs that his predominance is being undermined. A brief description of the social organization of this tribal stronghold, and a reference to the recent census enumeration and to the inferences that can be drawn therefrom will show clearly how matters stand at present, and will serve to emphasize the importance of protecting this primitive people until they have had time to adjust their own defence against the new forces they have now to meet.

"With a view to disclosing the general division of the population of these seven estates into immigrant on the one hand and what may be loosely called indigenous on the other, and to show how far in the last 45 years the latter have yielded to the former, an abstract was prepared showing the population of these zamindaris, caste by caste, for 1866 and 1911. In Pendra the percentage of the indigenous castes has fallen from 79 to 68, in Matin from 88 to 78, in Chhuri from 86 to 75, in Khenda from 88 to 76, in Pandaria from 32 to 21, in Kanteli from 32 to 16 and in Champa from 51 to 37. The fall in the other estates is not so marked (figures for Bhatgaon and Bilaigarh are not available).

"It is apparent at once that the local tribes have during the past half century lost considerable ground. They have lost more relatively in the open country, where the process of displacement is nearing completion, that in the hills where it is only just commencing. But what is a more serious matter from the point of view of their social predominance, they have lost village headships in the same proportion as their numerical superiority has decreased. From statistics abstracted from the Settlement records it appears that in 1868, 87 per cent. of the headmen in the Satgarh were aboriginals. The percentage now is 79. In the other five estates 22 per cent. of the headmen were of indigenous origin in 1868 but only 12 per cent. were so recorded in 1911. This shows that the dispossession disclosed by the general figures of population is genuinely affecting the social influence of the older inhabitants. The significance of this will only be fully apparent to those with some close acquaintance with a forest tract. The removal of a headman will not infrequently mean the departure of a very large section, perhaps the whole, of the tenantry, who would rather follow the fortunes of their old leader than risk suffering from the want of sympathy of an alient lessee. It was just this substitution of foreign for local headmen in the adjoining Province of Chhota Nagpur which led to the Kol rebellions of 1820 and 1831, and although the process is in Bilaspur far too gradual to awaken violent opposition among the people yet they recognize the great to their social supremacy offered by the gradual increase of outside influence, and express their dislike for the khalsa immigrant in many ways".

APPENDIX B.

Statement showing the population of all the Zamindaris in the District at the census of 1931.

Serial No.	Names of Zamindaris.	Men.	Women.	Total.
1	Pendra . . .	46,849	47,100	93,949 (74,014)
2	Konda . . .	13,080	12,742	25,822 (21,797)
3	Uprora . . .	5,581	5,780	11,661 (8,906)
4	Korba . . .	58,490	59,191	1,17,681 (99,447)
5	Chhuri . . .	17,597	17,436	35,033 (28,093)
6	Matin . . .	13,356	13,027	26,383 (17,648)
7	Lafa	11,533	10,950	22,843 (17,645)
8	Pandaria . . .	31,649	34,301	65,950 (55,034)
*9	Kanteli . . .	2,987	3,334	6,321 (4,286)
10	Champa . . .	20,507	21,445	41,952 (34,728)

* Is not a scheduled district estate but is excluded from the constituencies *vide* schedule I on page 148 of the Central Provinces Constitutional Manual.

Figures in bracket denote population in 1921.

APPENDIX C.

List of villages in patwari circles Nos. 1, 30 and 31.

Serial No. 1	Name and No. of Patwari circle (Zamindaris). 2	Names of villages. 3
1	Kherjitti . . . . . No. 1.	Kherjitti. Ladagpur. Gorkapa. Limaipur. Biranpur. Binori. Ghoghra. Bijaitola. Gangpur. Murki. Karpi. Ramhipur. Bhagatpur. Bagbuda.
	Total .	14

Serial No. 1	Name and No. of Patwari circle (Zamindaris). 2	Names of villages. 3
2	Kukdur	Kukdur.
	No. 30.	Kui.
		Amera.
		Semerha.
		Neur.
		Kuriyari.
		Mahidabra.
		Badna.
		Ghograkhurd.
		Pandripani.
		Rukhui Dadar.
		Sindurkhar.
		Saripani.
		Bhurbhuspani.
		Maghgaon.
		Birduldit.
		Kandawani.
		Dhurai.
		Bahpani.
		Bangar.
		Sarpani
		Bhakur.
		Kantapani.
		Aminaya.
		Sijdiha.
		Balutalot.
		Patoha.
		Damgarh.
	Total .	28

Serial No. 1	Name and No. of Patwari circle (Zamindaris). 2	Names of villages. 3
3	Kamthi	Kamthi.
	No. 31.	Matpur.
		Kadama.
		Polmi.
		Putpura.
		Lakhanpur.
		Bhedagarh.
		Bicharpur.
		Dalamoha.
		Chaturi.
		Bhedga.
		Taktoiya.
		Chinyadand.
		Pandrikhar.
		Parselkhar.
		Teliayapani.
		Ledra.
		Marlewara.
		Melaki.
		Teliyapani Dhube.
		Chindih.
		Dewanpatpara.
		Adhcharra.
		Chauta.
		Bohil.
		Agarpani.
		Ajwayinwah.
		Tingadda.
		Bhaisodabra.
		Nagadabra.
	Total .	29
	Grand Total .	71

MEMORANDUM FROM THE DEPUTY COMMISSIONER, BALAGHAT, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, REFORMS DEPARTMENT, NAGPUR, No. Q., DATED THE 3RD SEPTEMBER 1935.

The aborigines in this District make up an inconsiderable proportion of the population and they are not concentrated in any particular area. They consist mainly of Gonds, who number 78,289, or 9 per cent. of the total population of 8,24,495. The Gonds are distributed over the three Tahsils of Bhandara, Gondia and Sakola in the following proportion:—1, 2, and 2. Of the 78,289 Gonds 41,681 are shown in the last Census Report as of Hindu and 36,608 as of Tribal Religion. They are for the most part moderately sophisticated and progressive. No special protection of the kind in question seems to be necessary. I have, therefore, no area to suggest for treatment as excluded or partially excluded.

LETTER FROM THE DEPUTY COMMISSIONER, BALAGHAT, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES (REFORMS DEPARTMENT), NAGPUR, No. Q., DATED SEPTEMBER 1935.

In the Baihar Tahsil of this District the population of Gonds and Baigas is more than half the total population, viz., Gonds, 48,510 and Baigas 4,877=53,387 against the total population of 99,072, *vide* the census tables of 1931.

The population of animists in the Tahsil, viz., 19,599 represents only one-fifth of the entire population of the Tahsil. In the tracts in which the backward and animist classes are found in majority, there is a fairly good sprinkling of other advanced cultivating castes, such as Powars, Marars, Chhatris, etc. Under the circumstances no part of this District can be recommended for being treated as excluded or partially excluded areas under the impending Reforms Constitution.

DEMI-OFFICIAL LETTER FROM THE COMMISSIONER, BERAR DIVISION, TO THE CHIEF SECRETARY TO THE GOVERNMENT OF THE CENTRAL PROVINCES, DATED THE 2ND OCTOBER 1935.

Please refer to your telegram of the 27th September asking me to expedite reply to your endorsement No. 277-402-R. I., dated the 19th July. This did not call for a reply from Commissioners at all and hence I send none.

2. The only area that needs consideration in Berar is the Melghat, and I agree with Lee that it should be a partially excluded area. I have already written at length on the subject of the Melghat on a reference from the Revenue Department, and you may find in my memorandum some material in support of Lee's recommendation. In my opinion the Melghat should continue to be an excluded area

until next revenue settlement. In spite of the many attempts to focus attention on it, the Melghat is still neglected and not properly understood, and I do not think that the district authorities can always be relied on to report accurately the conditions therein prevailing. But the settlement officer should be able to paint a true picture.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, AMRAOTI DISTRICT, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, NAGPUR, DATED THE 28TH AUGUST 1935.

I am asked in paragraph 5 to report on the position in the Amraoti district with regard to aborigines, their numbers, distribution and stage of comparative evolution with recommendation as to the areas which in my opinion should be treated as excluded or as partially excluded.

(i) *Numbers.*—The last census figures of aboriginals in the District census are Gonds 23,554 and Korkus 33,869. Separate figures for the Melghat are not available but from paragraph 5 of the final report on the Land Revenue Settlement of the Melghat Taluq, 1925 to 1927 it appears that the Raiyatwari area in 1927 contained 24,109 aboriginals (of whom 17,214 were Korkus and 2,830 non-aboriginals). The population of forest villages in the Melghat in 1921 was about 10,000 and "was almost exclusively aboriginals". In the villages transferred from the Melghat taluq (vide Appendix II, Melghat Manual) the 1921 population was 4,150 of which 85 per cent. roughly 3,700 were aboriginals. Thus the total of the geographical Melghat would be roughly 41,500, of which 90 per cent. would be aboriginals and Korkus would be about 65 to 70 per cent. of these. No figures have been given for the small numbers of Bhils and Balais.

(ii) *Distribution.*—These figures show that the large majority of aboriginals are in the Melghat taluq. But of those that are not, the majority would be Gonds, scattered over the plains taluqs for whom no special local representation or protective measures would be possible on account of their scatteredness.

(iii) *Comparative evolutions.*—The Gond is comparatively speaking adaptable and I believe it is a fact that the Gond is increasing in number rather than falling off. The Korkus is much less adaptable and outside the forest cannot hold his own in the struggle for existence.

(iv) The next question is whether this area should be treated as excluded or as partially excluded. I understand that there are about four million aboriginals in the Central Provinces of whom 3 millions are in British districts and these are to be given one seat out of 112 while on the population basis they would be entitled to 18 seats. If these people are to be unproportionally represented in the council, there would seem to be a case for at least some differential treatment of them in such areas as might be treated separately, such as the

Melghat. At present their interests in the Melghat are fairly protected under the existing rules. Priority of claim to vacant land, restricted tenure and the working of an officially controlled local board gives them some protection. But the discontinuance even for a short time of the first two of these legal provisions might do irretrievable damage. And these safeguards might be withdrawn by legislation if pressure were brought to bear on elected ministers by monied interests, of Ellichpur and Burhanpur. It would seem necessary therefore to protect the special legislation contained in section 66 of the Berar Land Revenue Code. It is somewhat doubtful, therefore, to me whether it would be sufficient to declare the Melghat as a "partially excluded" area seeing that the Governor would then act as in ordinary matters on the advice of his Ministers with only special responsibility for securing the peace and good government of this area and action on such advice might bring about the removal of the present legal safeguard of the Berar Land Revenue Code. In all other respects, however, it would seem to be sufficient for the area to be partially and not wholly excluded.

LETTER FROM THE DEPUTY COMMISSIONER, AKOLA DISTRICT, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, NAGPUR, No. C./122, DATED THE 2ND SEPTEMBER 1935.

The total aboriginal population of this district is only 42,000 and it is scattered over all the six taluqs of the district. There is, in my opinion, no area in this district which should be treated as wholly or partially excluded.

2. A copy of this letter is being sent to the Commissioner, Berar, for information.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, BULDANA, TO THE CHIEF SECRETARY TO GOVERNMENT, REFORMS DEPARTMENT, CENTRAL PROVINCES, NAGPUR, DATED SEPTEMBER 1935.

There are no areas in this district which in my opinion should be treated as excluded or as partially excluded.

2. A copy of this reply is sent to the Commissioner of the Division as desired.

MEMORANDUM FROM THE DEPUTY COMMISSIONER, YEOTMAL, TO THE CHIEF SECRETARY TO GOVERNMENT, REFORMS DEPARTMENT, CENTRAL PROVINCES, NAGPUR; AND ENDORSEMENT TO THE COMMISSIONER, BERAR, No. C./I., DATED THE 9TH SEPTEMBER 1935.

I made enquiries and carefully considered whether there are any areas in this district which can be classified "excluded or partially excluded". As it is there are already no such areas in this district.

Although there is a fairly large number of persons of aboriginal tribes in this district, they are scattered practically all over the district and have not restricted themselves to any particular area or areas. In fact there are not even villages which consist mainly of aboriginal tribes. They have spread themselves out in all directions in villages inhabited by other classes also. The aboriginals in this district have to a very great extent ceased to live their original primitive life and except probably from the point of view of poverty there is very little difference between their mode of living and that of other classes. It will thus be seen that whatever aboriginals are in this district they are living in close association with other advanced classes and such association has not been without effect in improving their conditions of life. I am, therefore, emphatically of opinion that there are no areas in this district which need any special protection by way of classifying them as "excluded or partially excluded".

2. I give below the census figures of primitive tribes as compared with the total population for each taluq.

Taluq.	Total population.	Primitive tribes with p. c.	
		Following tribal religions.	Hinduized.
Yeotmal	164,208	27,596 16·8	7,504 4·6
Kelapur	167,162	2,865 1·7	47,382 28·4
Wun	135,291	5,433 4·0	25,413 18·8
Darwha	201,962	811 0·4	17,741 8·7
Pusad	188,665	34	25,403 13·5

It will be seen from the above that with the exception of Yeotmal taluq major portion of these tribes have become Hinduized. This bears out what I have said before that the aboriginals in this district have to a great extent for all practical purposes become almost as good as other Hindu cultivators or agricultural labourers. Even in Yeotmal taluq where the number of such aboriginals is large they have no special tract or village of tehir own but are mixed up with other classes in all the villages where they are residing. The chief aboriginal tribes in this district are Banjaras and Kolams and the number of the members of other tribes is comparatively very small.

3. On the general question I may observe that the principle underlying the classification of excluded or partially excluded areas is obviously to give protection to primitive tribes. If this be correct I do not see why protection should extend to the members of the tribes residing only in particular area or areas. Reserving such areas practically amounts to perpetuating their backwardness. Unless they come in direct touch with the advancing world they are bound to remain where they are, in spite of special protection. If, therefore, these classes need any special protection the measures taken for

their protection should be such as can be made applicable for the benefit of the members of such tribes irrespective of the fact whether they remain in well defined areas of their own or not, *i.e.*, the special protection should go with the tribes rather than the places. Even giving these tribes and other backward classes a special representation in the legislature cannot much help their cause on account of their representatives being only in an insignificant minority. Reservation of powers, therefore, in the Governor for protection of these aboriginals and backward tribes will materially benefit such tribes only if such powers can be used for the benefit of such tribes irrespective of the areas.

COPY OF SECRET LETTER FROM THE DEPUTY COMMISSIONER, DRUG, TO THE CHIEF SECRETARY TO GOVERNMENT, CENTRAL PROVINCES, REFORMS DEPARTMENT, NAGPUR, DATED THE 10TH SEPTEMBER 1935.

The total population of Drug district is 817,924 of whom 115.362 Gonds, 55.347 Halbas and 6,124 Kawars together with other primitive tribes make up the total of 179,154. In the last Census the district was divided into five units which were—

(1) Drug and Bemetara tahsil khalsa with the Parpodi Zamindari,

(2) Gunderdehi Zamindari,

(3) Bemetara tahsil Zamindaris excluding Parpodi Zamindari,

(4) Sanjari tahsil khalsa, and

(5) Sanjari tahsil Zamindaris.

Taking Drug and Bemetara khalsa with Parpodi and Gunderdehi Zamindaris we have a total population of 499,293 with only 42,169 members of the primitive tribes who are fairly scattered throughout the area. In these parts, therefore, no question of exclusion or partial exclusion can arise.

2. The Sanjari tahsil Zamindaris unit has a population of 106,108 of whom 61·2 per cent. are members of primitive tribes and 10·7 are members of the depressed classes. It is clear, therefore, that in these units is to be found the main compact mass of members of the primitive tribes. Included, however, in this unit is the northern part of the Khujji Zamindari which is open and contains a population not differing much from the population of the rest of the Chhattisgarh plains. I would, therefore, draw the boundary along the north of Umarwahi village where the boundary of the present Chowki Revenue Inspector's circle runs which would exclude the normal Chhattisgarh population and include that part of the Khujji Zamindari which can still be regarded as primitive.

3. The Sanjari tahsil khalsa with a population of 166,096 has 60 417 members of the primitive tribes. These members of the primitive tribes are in the main grouped in two tongues of khalsa land which protrude into the Zamindaris. One of these is the area between Lohara Zamindari and Khujji Zamindari containing a fair area of Government forest. This tongue which contains part of the Chowki

Revenue Inspector's circle and that part of the Balod Revenue Inspector's circle which lies to the west of the Lohara Zamindari is clearly defined. The second part of khalsa land which I propose to include is the Tandulla valley from the Tandulla irrigation tank to the Kanker border on the boundaries of the Dondi Lohara Zamindari together with the Government forest and the villages included therein which lie within the Chikhli Revenue Inspector's circle.

4 The inclusion of the parts of the khalsa mentioned and the exclusion of part of the Khujji Zamindari leaves a clearly defined area of which so far as can be ascertained more than 70 per cent. of the inhabitants are members of the primitive tribes while another 10 per cent. are members of the depressed classes. The boundary follows the boundary of the existing Revenue Inspector's circles except in the Revenue Inspector's circle of Balod where it follows the Zamindari boundary.

5. This area should be partially excluded if it is to stand alone but if the similar area of Garchiroli tahsil in Chanda district is also to be excluded the question of total exclusion should be considered. We have here a compact mass of primitive tribes mainly Gonds but including a large number of Halbas who are living their own social life distinct from and to a large extent unaffected by the Hinduism of the Chhattisgarh plains.

6. In the Census report the primitive tribes of the Sanjari Zamindari area are divided into 9·9 per cent. following tribal religions and 51·3 per cent. described as Hinduized. If this were taken literally as implying a complete adoption of Hindu social customs there would be no point in proposing the partial exclusion of the area but there are several reasons for looking deeper into its meaning. The actual test used to decide Hinduization was the question whether the person enumerated had faith in the Hindu trinity. Most Gonds in this area admit that the Hindu trinity are also gods and the tolerance of Hinduism, therefore, brings them within its fold. But it makes no difference to their social customs. Even those of them who have not accepted any part of the Hindu religion would tend for snobbish reasons to answer the question in the affirmative. There is also the caste and upbringing of the enumerator to be considered. Where there was any doubt he would tend to put the person enumerated down as a Hindu. The figure following tribal religions in the whole of Drug in 1921 was 74,074 against the 1931 figure of 12,458. It appears probable that the 1921 figure was nearer the truth. The real meaning of this recording of primitive tribes as Hinduized is properly discussed on page 334 of the Census report and in Appendix III on page 397, Volume I. The thesis laid down in that discussion, that in fact Hinduization means very little, is strongly supported by the behaviour of the most advanced members of the primitive tribes, *i.e.*, the Zamindars themselves which shows that they still retain most of their primitive beliefs. The supremacy of the Baiga as a medicine man and general religious adviser is an important proof of this. In any case the Hinduism of the plains of Chhattisgarh does not comprise a social system in exact accordance with the laws of Manu and this is the only Hinduism with which these tribes are in contact.

7. The depressed classes are mainly Satnamis or unconverted Chamars who though forming a large proportion of the population of the Chhattisgarh plains are racially different from the Hindu population and who—the history of the malguzari rights in Chhattisgarh shows—have been unable to hold their own against more advanced classes. The inclusion, therefore, of a proportion of them under the same protection as the primitive tribes properly so-called would not be objectionable.

8. The study of the settlement records of the two tongues of khalsa land included in the proposal unit shows that the tenant body is almost entirely Gond with a few Halbas and a very small number of other castes. But the proprietary body is entirely foreign, Brahmins and Banias predominating. The settlement records also show that on the whole these malguzars are bad landlords and that the condition of the tenants is not improving under them. But the tribal life and social customs of Gonds and Halbas can be preserved without very great difficulty if provision is made for different treatment in these areas.

9. The Bemetara Zamindaris excluding Parpodi have a total population of 46,427 of whom 11,565 are members of the primitive tribes and 6,998 are members of the depressed classes. The great bulk of this population is concentrated in the plains portion of Sahaspur Lohara, Gandai, Barbaspur and Silheti. The thinly populated area separated from this part by the edge of the Maikal range is predominately an aboriginal area, which is geographically quite distinct. It forms part of the Baihar plateau and includes the whole of Thakurtola Estate, the hill portion of Barbaspur Zamindari, the hill portion of Sahaspur Lohara Zamindari, the hill portion of Silheti Zamindari and the upper part of Gandai Zamindari. The only place where any doubt might arise as to the correct boundary is in the Gandai Zamindari. Here an examination of the settlement misl with its records of the composition of the tenant body in each village suggests this boundary as a line running to the east of Dullapur, Khaoda, Sarrakapa, Bhursatola, Gaimukh, Jhalpur, Birkha, Jangalpur and Jiratola.

10. Although containing a fairly compact mass of aboriginals this area is rather small to stand alone although it would not be impossible to class it along with the southern area for the administration of the law. I believe that there is a similar though rather larger area adjoining it in the Baihar tahsil which might also be partially excluded and these two areas could be classed together. I attach maps* showing the areas proposed for partial exclusion.

*Not printed.

LETTER FROM THE GOVERNMENT OF ASSAM, TO THE GOVERNMENT OF INDIA, No. 3044-FR., DATED THE 9TH OCTOBER 1935.

With reference to your letter No. F. 4/35-G. (B), dated the 2nd July 1935, I am directed to forward three copies of each of the undernoted letters received from Commissioners and Political Officers together with three copies of a note, dated the 18th September 1935, by Dr. J. H. Hutton, C.I.E., I.C.S., at present officiating Chief Secretary to this Government who has special experience of the needs of aboriginal people and who is the author of the 1931 Census Report for India:—

(1) Letter No. 770, dated the 9th September 1935, from the Commissioner, Assam Valley Division with copies of letter from the Deputy Commissioners of the districts in the division.

(2) Letter No. 639-C., dated the 26th August 1935, from the Commissioner, Surma Valley and Hill Division with copies of letter from Deputy Commissioners,

(3) Letter No. 1144, dated the 2nd September 1935, from the Political Officer, Sadiya Frontier Tract.

(4) Letter No. 4-Secret, dated the 13th September 1935, from the Political Officer, Balipara Frontier Tract.

2. It will be seen that so far as the plains areas of the province are concerned there is a complete agreement that none of the backward tribal people such as the Kacharis, Miris, etc., living in the plains should be excluded either wholly or partially and that the Deputy Commissioners of the Naga and Lushai Hills and the Political Officers of the Balipara and Sadiya Frontier Tracts consider that their districts should be totally excluded from the new Constitution. On these matters the Local Government are in complete agreement with the views expressed by their officers which are in accordance with their own previous proposals.

3. There remain the following hill areas, *viz.*—

(i) The Lakhimpur Frontier Tract,

(ii) The North Cachar Hills,

(iii) The British portion of Khasi and Jaintia Hills,

(iv) The Garo Hills,

(v) The Mikir Hills.

It is in these areas alone that any doubt arises and the only doubt is whether they should be classed as totally or partially excluded.

(i) *The Lakhimpur Frontier Tract.*—

The Deputy Commissioner, Lakhimpur, has proposed that the Western portion of this small tract (which consists altogether of 394 square miles with a population of 13,950) should be treated as partially excluded and the Eastern portion as totally excluded. The Commissioner of the Assam Valley agrees but would fix a different

boundary from that suggested by the Deputy Commissioner. The Local Government, however, are unable to agree with the views of their local officers on this point and do not consider the administration of a small and unimportant area like the Lakhimpur Frontier Tract should be complicated by a needless division into a partially and totally excluded area. It has always been their intention that as soon as the plains area of the Lakhimpur Frontier Tract is sufficiently developed it should be included in the regularly administered portion of the Lakhimpur district and when this comes about there will, presumably, be no difficulty in obtaining an Order in Council under Section 91 of the Act to the effect that a certain portion of the Lakhimpur Frontier Tract shall cease to be excluded. The Local Government therefore do not consider it necessary at present to recommend that any change be made in their previous proposals—namely, that the Lakhimpur Frontier Tract be classed as a totally excluded area.

(ii) *The North Cachar Hills.*—

The Local Government were originally in favour of the total exclusion of the North Cachar Hills but the Secretary of State in his letter No. P. & J. (C.)-1896, dated the 1st July 1932, addressed to the Government of India did not see his way to accept their proposals. Subsequently in the India Office letter No. P. & J.-2252-C./32, dated the 12th of October 1932, the Local Government were informed that in view of the difficulties pointed out by the Government of Assam the Secretary of State was prepared to adopt the original recommendation of this Government that the North Cachar Hills should be treated under the new Constitution in the same manner as the Naga and Lushai Hills. In view, however, of certain enquiries which had been made in the meantime on the assumption that the inhabitants of the North Cachar Hills would continue to remain in the Cachar district only if they elected to be included in the new Constitution the Local Government in their letter No. 989-Fr., dated the 11th January 1933, recommended the partial exclusion of these hills. Finally in their telegram, dated the 12th April 1935, in reply to your Express letter No. F. 4/35-G. (B.), dated the 6th April 1935, the Local Government gave their opinion that, in view of various difficulties, the Secretary of State might agree, if pressed in Parliament, to the total exclusion of the North Cachar Hills.

The whole matter has again been reconsidered by the Local Government and they are now unanimous that in view of the impossibility of devising any satisfactory system (other than nomination) for securing a representative in the Legislature from an area inhabited by tribes mutually hostile to each other—an area moreover which adjoins the Naga Hills and Manipur State and which has been the scene of numerous minor armed rebellions—it would probably be wiser and more beneficial to the indigenous inhabitants to classify the North Cachar Hills as a totally excluded area and they therefore recommend that this should be done. In this view the Local Government are supported by the opinions of the Deputy Commissioner of the Cachar district and the Commissioner of the Surma Valley and Hill district.

(iii) *Khasi and Jaintia Hills (British portion).*—

The Deputy Commissioner, Khasi and Jaintia Hills considers that the total exclusion of the Khasi and Jaintia Hills is now impossible as educated public opinion among the Khasi is strongly in favour of partial exclusion. The officiating Commissioner, Surma Valley and Hill Division favours total exclusion. The Local Government are unanimous in agreeing with the view of the Deputy Commissioner who has long experience of the Khasi and Jaintia Hills and they can assure the Government of India that any proposal to exclude the Khasi and Jaintia Hills from the new constitution would arouse the most intense public opposition from the leading Khasis. The Local Government consider therefore that their previous proposal as regards this district should stand, namely, that the British portion of the Khasi and Jaintia Hills District other than the British portion of the Shillong Municipality and Cantonment should be a partially excluded area.

(iv) *The Garo Hills.*—

(v) *The Mikir Hills.*—

The Deputy Commissioner of the Garo Hills and the Commissioner, Assam Valley Division are in agreement that, except for three plains Mauzas (vi, vii and viii) which the Local Government in their published proposals for the delimitation of constituencies have included in the adjacent constituency of Goalpara district, the Garo Hills district should be totally excluded and not partially excluded as proposed by the Local Government. The Commissioner, Assam Valley Division also considers that the Mikir Hills (which fall within the districts of Sibsagar and Nowgong) should be totally excluded and not partially excluded agreeing on this matter with the opinion of the Deputy Commissioner. Nowgong, and disagreeing with the view of the Deputy Commissioner, Sibsagar.

In the opinion of the Local Government the question of whether the Garo Hills and the Mikir Hills should be totally or partially excluded areas is the only matter on which there can be room for doubt in the whole of the present reference and after reconsideration of the problem in the light of the observations of the Secretary of State the Local Government are definitely of opinion that it is now too late to attempt to upset the whole balance of the scheme for the reformed Provincial Legislature by transferring the Garo Hills and Mikir Hills from the partially excluded list to the totally excluded list. In the first place the scheme of delimitation of constituencies proposed by the Local Government provides for 2 "backward area" seats for the Garo Hills and one "backward area" seat for the Mikir Hills out of the total of 9 seats allocated in the Fifth Schedule to the Government of India Bill to "representatives of backward areas and tribes" in the Assam Legislative Assembly. One "backward area seat" has also been proposed for the North Cachar Hills but if the North Cachar Hills are totally excluded it has been decided that the seat can be utilized in the Assam Valley and transferred to Nowgong district as a backward tribal seat. Unless therefore the Government of India Act is amended the total exclusion of the Garo and Mikir Hills would result in a surplus of three backward area seats which are

not required elsewhere and which were originally included in the scheme on the assumption that the Garo Hills and Mikir Hills would return representatives to the reformed Legislature. It might conceivably be possible to utilize one of these surplus seats by allocating it to the Manipuris of the Surma Valley but to fit in three such seats would be at the best mere patch work and would definitely upset the whole balance of the present inter valley distribution of constituencies.

Furtherrhore, it has been found quite practicable to devise a suitable system for obtaining representatives from both the Garo Hills and the Mikir Hills, the proposal of the Local Government being that the franchise in both areas should be confined to village headmen. These proposals have been published and representations have actually been received from certain Garos objecting to such a limited franchise and demanding a franchise based on house-tax. The total exclusion of the Garo Hills and the Mikir Hills at this stage would therefore lay the Local Government open to the very just accusation of having raised false hopes among the people of these areas. In fact the main objection of the Local Government to the total exclusion of the Garo Hills and Mikir Hills is that it is now too late to make any change. His Excellency the acting Governor was himself for some years Deputy Commissioner of the Garo Hills and while he was a Member of the Executive Council he favoured the total exclusion of the Garo Hills. He is now, however, very definitely of opinion that he must oppose any change in the arrangements which the Government of Assam have hitherto supported and strongly deprecates the general recasting of district boundaries which has been urged by certain officers.

4. The Local Government do not consider it necessary or desirable to attempt to refute the arguments of their own officers as regards the total exclusion of the Garo and Mikir Hills. The matter is one on which different officers are apt to form different opinions—there is definitely an "aboriginal" and a "progressive" view point on the matter—the "aboriginal" party (to whom the present Commissioners and Dr. Hutton would claim allegiance) considering that the interests of the local people would best be protected by complete exclusion while the other party believes that progress in such static civilizations as those in the Garo and Mikir Hills can only be brought about—as it has been brought about in the Khasi and Jaintia Hills—by gradual contact with a larger world and more advanced ideas. It will certainly not be possible, in the opinion of the Local Government, to exclude the Garo and the Mikir Hills for all time from the new Constitution and they can see no reason why, subject to the safeguards provided in the Act, the indigenous tribes of these areas should not be gradually trained to take their proper place in the future development of the province to which they belong. They are at present admittedly backward—as too are the vast majority of the inhabitants of the Khasi Hills and indeed of the inhabitants of the whole of Assam—but the Government of Assam are unable to believe that "partial exclusion" will render them liable to the "exploitation" which Dr. Hutton fears. The local officers will still be there to prevent and frustrate any such tendency

and the presence in the local legislature of representations from such areas elected by the tribal headmen and the Governor's special responsibility for the good government of such areas are ample safeguards against anything in the nature of oppression from outsiders. The Garo Hills and the Mikir Hills are not frontier districts or districts in which armed rebellion or acute internal dissension are to be feared. They are situated in the heart of the province and they must evolve on lines similar to the rest of the province. Change must come and all that can be provided is that such change comes gradually and in accordance with the capacity of the local tribes to adapt themselves to it.

5. As regards the question of the possibility of appointing a selected officer as adviser for partially excluded areas I am directed to say that, so far as can be foreseen, the province will not be able to afford to create any new appointments other than those which the Government of India Act makes obligatory and that the only practicable method of securing an adviser for such areas would appear to be to re-arrange the jurisdiction of the present two Commissioners, one of the Commissioners becoming Commissioner for the excluded and partially excluded areas. Any such re-arrangement would however impose an undue burden on the Commissioner in charge of the non-excluded areas and the acting Governor in Council does not favour any change being made at present in the jurisdiction of Commissioners' divisions. The matter is, however, still under consideration and a further reference on this point will be made later.

6. In conclusion I am directed by the acting Governor to say that the views expressed in this letter—in so far as they represent the views of the Governor—are those of the present acting Governor and that if His Excellency Sir Michael Keane, who is expected to resume office tomorrow has any observations to make on the matter they will be forwarded to you as soon as possible.

COPY OF LETTER FROM THE COMMISSIONER, ASSAM VALLEY DIVISION, TO THE REFORMS OFFICER AND ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM, SHILLONG, No. 770-G., DATED THE 9TH SEPTEMBER 1935.

I have the honour to refer to your letter No. 2709-12-Fr., dated the 15th July 1935, on the subject of excluded and partially excluded areas under the Reformed Constitution and to forward for the information of Government copies of the letters of the Deputy Commissioners regarding this matter.

I support the opinions of the Deputy Commissioners that no change is necessary or desirable in the proposals for the inclusion in the Reformed Constitution of the backward tribal people in the plains area of the division. They have been given representation with which they are generally satisfied. They are anxious to improve their status and to enjoy the benefits of representation. Few, if any, areas could be excluded in the plains "without administrative disadvantage or without countervailing disadvantage to the remainder

of the inhabitants of the area". The position of the backward tribal population of the plains areas will be no worse than that of other electors under the Reformed Constitution and no changes need be proposed for their protection.

As regards the Garo Hills, I support the proposal of the Deputy Commissioner that the hill mauzas of his district should be totally instead of partially excluded, for the reasons given in his letter. I also support the proposal of the Deputy Commissioner of Nowgong for the total exclusion of the Mikir Hills area in his district and consider that this total exclusion should also extend to the Mikir mauzas of the Mikir Hills area in the Sibsagar district. Both in the Garo and in the Mikir Hills the hillmen inhabiting the hill mauzas are not notably more civilised than the inhabitants of the Naga and Lushai Hills. Their manners and customs differ no less from those of the inhabitants of the adjoining plains. They would be no less liable to exploitation and are no less in need of protection. This is particularly the case with the Garos, against whom the zemindars who own land in their district would undoubtedly launch a campaign of exploitation, if they felt that they could rely upon indifference or possibly sympathy on the part of the administration.

The Deputy Commissioner of Lakhimpur has proposed that the western portion of the Lakhimpur Frontier Tract should be treated differently from the eastern. The latter consists of hills or densely forested plains, inhabited by Nagas. The former, largely under forest, yet contains three tea gardens of a considerable size, under European management, a sprinkling of Naga villages, a rapidly increasing number of settlements of Assamese and tea garden labourers and a fairly numerous Buddhist population, consisting of Phakials, Khamtis and Singphos. All the inhabitants of this area speak Assamese and are in constant contact with the people of the plains. With the possible exception of the Nagas, the number of whom is not large, none of these elements are so backward as to require the protection afforded by total exclusion, and I would support the Deputy Commissioner's proposal that they may be admitted to the benefits of the Reformed Constitution to the extent of partial instead of total exclusion. But I would modify his proposal by making the boundary between the totally excluded and partially excluded areas the Lekhapani stream, instead of the Tipang river, so as to exclude the Naga villages on the range of hills between those two streams.

COPY OF LETTER FROM THE OFFICIATING DEPUTY COMMISSIONER, GOALPARA, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, GAUHATI, No. 14 (G. S.), DATED THE 30TH JULY 1935.

With regard to Mr. Mullan's letter No. 2709-12-Fr., dated the 15th July 1935, I beg to say that in Goalpara district only the Bijni-Kikrajhar area, where backward Boros predominate, need be considered for exclusion, total or partial.

The Boros, though backward, are not very backward like some of the hill tribes. To bring the area under total or partial exclusion would be administratively disadvantageous, and, if it gave the Boros any advantage (which, in the circumstances, seems doubtful would bring a countervailing disadvantage to the non-backward people in the area. The interests of the Boros will be more suitably protected by the special representation already proposed for the area.

COPY OF LETTER FROM THE DEPUTY COMMISSIONER, KAMRUP, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, No. 261-T C., DATED THE 28TH AUGUST 1935.

I have re-considered and re-examined the situation. In this district, the only tribal people for consideration are the Kacharis. They are scattered over a large area but are fairly compact in the northern zone. They have always been under the ordinary procedure, both executive and legislative; they have suffered no disadvantage. Moreover two backward seats in the lower house have been allotted to them and thus they will have adequate representation in the future Government.

The Kacharis may not be up to the standard of their neighbours but are not so incapable of taking care of themselves as to need administrative fosterage under the Order in Council procedure. These are the reasons (as required in paragraph 5 of Mr. Mullan's letter) for not proposing extra differential treatment to this tribal people.

COPY OF LETTER FROM THE OFFICIATING DEPUTY COMMISSIONER, DARRANG, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, GAUHATI, No. 157-C., DATED THE 27TH AUGUST 1935.

With reference to your Memo. No. 69-75-C., dated the 26th July 1935, on the subject of excluded and partially excluded areas, I have the honour to say that inquiry in the case of Balipara Frontier Tract will be made by the Political Officer and I cannot give you the data on which conclusions can be based.

Except some Miris and Dufflas who occasionally visit Darrang District for purposes of trade and form a small portion of the hill population north of this district, the rest of the people are such that they cannot be regarded as capable of safeguarding their interest when dealing with the people of the plains. I think the Balipara Frontier Tract should remain an excluded area under the reformed constitution.

COPY OF LETTER FROM THE DEPUTY COMMISSIONER, NOWGONG, ASSAM, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, GAUHATI, No. 103, DATED THE 29TH AUGUST 1935.

The area classified as partially excluded in this district is the Mikir Hills portion. The main difference between partially excluded

and totally excluded areas is, I find, that expenditure on partially excluded areas is voted. I don't think this provision is to the advantage of such areas. They are generally outside the local Boards. In the scramble for funds which will go on I doubt whether these areas will be able to secure any thing. They are so backward that they will not be able to raise any voice in matters affecting them vitally. It is true that they will return a member, but he will most probably be (as attempts are already being made) one put up by some party in the plains which will canvas for him. Many of the Mikirs know nothing outside their own Mauzas, and know none above their own Mauzadar to voice their grievances. On these grounds, I think it will be to the advantage of Mikirs if the area is kept totally excluded. As regards other tribal people they are scattered throughout the district and there is no area to be excluded or partially excluded

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COPY OF LETTER FROM THE DEPUTY COMMISSIONER, SIBSAGAR, JORHAT, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, GAUHATI, No. 62 C., DATED THE 27TH AUGUST 1935.

The Mikir Hills may remain as a partially excluded area as already proposed. It is not practical to form any area partially excluded for the benefit of Miris.

The illiteracy of the Mikirs, especially amongst the majority of non-Christians, would furnish the only ground for absolute exclusion. However, they are a peaceful people unconnected with the Warlike Hill Tribes and although it will probably be difficult to find a suitable representative in the Council, I do not think I can make a good case for complete exclusion on illiteracy alone.

COPY OF LETTER FROM THE OFFICIATING DEPUTY COMMISSIONER, LAKHIMPUR, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, No. 96-M., DATED THE 20TH AUGUST 1935.

Reference your No. 69-75-C. of 26th July 1935.

I have examined the question of the Lakhimpur Frontier Tract carefully from several standpoints, and I have come to the conclusion that the area west of Buri Dihing should be treated separately from the rest of the Tract, and should be included in the reformed constitution for the following reasons:—

1. The Dibrugarh Local Board extends its jurisdiction to these Mauzas, and realizes Local Rate.
2. The population figures at the 1931 Census for this area was a little over 9,000 of which 3,000 only are Buddhist or Tribal (Naga or Singpho), so that it appears that the backward people are only one-third of the population. The majority of the people are contained in the 3 Tea gardens of Duamara, Tonganagaon and Pengaree.

3. The other Fakials further down the Dihing in Jaipur Fakial and Tipling Fakial Mauzas, which have been combined into one Fakial Mauza since the Resettlement are not excluded; and fall in the Jaipur-Tinsukia Constituency. The Fakials of Makum Mauza at Margherita are not to be considered in any way more backward than the Jaipur Fakials, so as to deserve protection or exclusion.

4. Buridihing is a developing area, and but for the Upper Dihing Reserved Forest is almost all plains land. Any future development of this area will be made by plainsmen from Dum Duma or Digboi side; and there appears to be no reason to restrict development by keeping the area out of the reformed constitution.

5. The Dihing river will form a natural boundary, and the rest of the Lakhimpur Frontier Tract which is not plains, or suitable for ordinary plains cultivation, on the left bank of the Dihing, will then remain a totally excluded area along with the portion of the Sadiya Frontier Tract behind it.

6. I enclose a copy of a trace taken on ½-inch topographical survey map. to illustrate the whole of the Lakhimpur Frontier Tract and the division proposed; also a schedule showing the area population and voters which will thereby be added to Digboi and Margherita Thana.

The Makum Group Report of the recent Resettlement may also be seen. There is useful information, and a map at the end.

COPY OF MEMORANDUM FROM THE DEPUTY COMMISSIONER, LAKHIMPUR, DIBRUGARH, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, No. 98-M., DATED THE 21ST AUGUST 1935.

In connexion with my report on the Lakhimpur Frontier Tract. there are one or two further points that need a remark or explanation.

I. I am not certain whether the area in Buridihing Mauza that I have recommended for separate treatment from the Hills portion of the Tract should be made a partially Excluded Area, or a totally Included Area. There are a number of Tribal peoples but they are for the most part Fakials who are not so backward. On the other hand there are in the interior some very backward people but again they are quite few in numbers.

II. I want to make it sufficiently clear that there is a considerable difference between the nature of the country and the people inhabiting it, in the two areas marked red and blue. The Hills will always remain backward and the people are the most backward breed of Nagas imaginable. The area marked as reserved for Assamese and indigenous peoples is like the plains but is not suitable for partial inclusion as it is totally cut off, and being small in area it is suitable for the Hills peoples to come down to and begin wet rice cultivation when

there arises a shortage in the Hills of good jhumming land. Except near Ledo there are no outsiders except a few *ex*-garden coolies settled there. Practically Assamese is not spoken there. On the other hand Assamese is freely spoken even by the Singphos and Fakials or Naga tribes resident in the Buridihing Mauza.

COPY OF LETTER FROM THE DEPUTY COMMISSIONER, GARO HILLS, TO THE COMMISSIONER, ASSAM VALLEY DIVISION, GAUHATI, No. T./ REFORMS/1, DATED THE 21ST AUGUST 1935.

Reference your memorandum No. 69-75-G., dated Gauhati, 26th July 1935 (Secret). I have the honour to submit my report on my experiences in the Garo Hills for the last two years and eight months during which I have discussed the matter very widely as to whether the Garo Hills should be 'partially excluded' or entirely 'excluded' from the operations of the New Reforms. Without hesitation I have come to the conclusion that the Garo Hills should be "Excluded" area and I give below my reasons:—

I. The Garos are almost entirely aboriginals, except for about 2 per cent. who are Christians. Even these Christians are mostly 'stomach Christians' hoping thereby to get posts or other advantages. Most of them are on the plains borders of these hills and live practically as primitively as the Garos and follow tribal laws.

II. Garos are inimical to all plains folk and like all hillmen are very conservative regarding their tribal customs and laws. Special Administration Rules were consequently framed to protect the Garos. Even special rules exist for Forest matters too. No thought of changing these rules have yet arisen nor likely to arise for sole time to come.

III. The Garos are very nervous that Reforms will mean control by the few Christians since the very few educated are among the Christians, and that they will only look to the interests of the Christians who are negligible in numbers.

IV. The Garos have nothing in common with the folk of either the Assam or Surma Valleys whom they used to raid only 75 years ago, the memories of which have not faded yet.

V. Garos have nothing in common with the Hindus and Muhammadans as they eat cows and pigs and have no religious ties, being animists. No Purdah system, no tabu on widow marriage, no caste prejudices exist.

VI. The Hindus and Muhammadans look on the Garos as little better than animals while the Garo admits he is no match mentally. The Garos are repeatedly tricked and duped by traders in their commercial relationship

and usually resort to force if they find they are being done down.

VII. Historically the Garos have always been definitely hostile to the plains people; and even today, although under control, there is ample evidence to show this hostility is still there.

VIII. Linguistically there is absolutely no connection with either of the valleys.

IX. A Council, almost all of the plains, would have very little if any sympathies towards the Garos except to exploit them; and such an attitude can hardly be taken as beneficial to the Garos who would be represented by two members only. A small voice in the wilderness!

X. Any other form of administration other than now existing would be too expensive and of doubtful advantage to the tribe and disrespect towards conservative feelings, custom and laws.

XI. The Garos are matriarchal in their customs contrary to all the laws in force in the plains.

XII. Garos lack cohesion among themselves and consequently have no leaders. No common basis for election owing to little unity of sentiment enabling work for a common end. Previous nominated members showed no interest in Council. Garos will do anything for money and do not trust each other or themselves in consequence.

XIII. Development stages from village to clan and clan to tribal unity is almost *nil* and any western or alien policy would cause confusion and disintegration among them.

XIV. Trade protections, which present administration can readily give them must continue as they are not able to stand up to the wiles of the plainsman. In big financial propositions they would not exist which have their political influences in Council.

XV. Indian Officers would have great difficulty in administrating the Garos as they would command no respect. This I found the case of two Extra-Assistant Commissioners who served under me here.

XVI. The Garos have had no experiences about elections as there are no Local and Municipal Boards.

XVII. Lands are held by clans in villages known as Akhing—a form of tenure entirely foreign to the plainsman.

XVIII. Reforms of any kind would be an unnatural union for the Garos whose culture, social and political life is only agricultural fundamentally and that of a prehistoric kind.

XIX. Any dyarchical system as 'partial exclusion' would be bristling with difficulties in which the Garos would

come off worst, apart from placing the Deputy Commissioner in a decidedly awkward position in the execution of his duties.

XX. Almost all the Garos have not the slightest idea what the Reforms mean and have looked up to the Government (Saheb) to support them. There are a few which can be counted on one's fingers who having passed B. A., and lived among Babus think they know all about Reforms, but are actually thinking of themselves as Council Members than the advantages or otherwise to the Garos if given 'Partial Reforms'. These are Christians and the Garos who are not Christians have no faith in them. Even the Christians are doubtful.

XXI. It is admitted they have no leaders who truly would have the whole of the Garos primarily in their minds, while those who think they are leaders do not know what they are talking about. Such men would be valueless in any Council even supposing the Garos were considered fit for 'partial exclusion'.

XXII. The non-Christians do not want anything to do with Council of Babus. This is their view. Many of the sensible Christians are against it too. Only the persons who have a hope of getting into Council want 'partial Reform' and I am not prepared to support such persons.

I could enlarge on this subject but I have put what I think the main considerations and quite conclusive enough to support my conclusions that the Garos are not fit for even Partial Reforms at present and very likely for some time to come.

P.S.—However, I hold that Mauzas VI, VII and VIII containing very few Garos and mostly Hindus and Muhammadans should vote in their adjacent constituencies of Goalpara district sentiments are.

COPY OF LETTER FROM THE OFFG. COMMISSIONER, SURMA VALLEY AND HILL DIVISION, TO THE REFORMS OFFICER AND ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM IN THE APPOINTMENT AND POLITICAL DEPARTMENT, SHILLONG, No. 639-C., DATED THE 26TH AUGUST 1935.

With reference to your letter No. 2709-12-Fr., dated the 15th July 1935 I have the honour to forward herewith copies of the opinions of the Deputy Commissioners, Cachar, Khasi and Jaintia Hills, Naga Hills, and the Superintendent, Lushai Hills. The local officers are agreed that the North Cachar Hills should be totally excluded and I agree with them. If this involves administrative separation from the rest of Cachar, the North Cachar Hills can be placed under the Deputy Commissioner, Naga Hills. Similarly the Mikir mauzas and the Rengma Naga mauzas of Nowgong and Sibsagar may be totally excluded and made into a sub-division under a

Sub-Deputy Collector with headquarters at Dimapur or Lumding, under the Deputy Commissioner, Naga Hills.

As regards boundary between the North Cachar Hills and Silchar sub-division some rectification is required between the Chiri and Jiri rivers. The present boundary is given as the 25th parallel of latitude which is not easily demarcated on the surface of the earth. Incidentally a number of hill villages, Kachari, with some Kukis and Nagas, could be included in the North Cachar Hills if the boundary is taken round the foot of Tukbai Hill and south-easterly to the Jiri past the northern limit of Baladhan tea estate. The rectification of boundary has been long overdue.

As regards Sylhet district no exclusion, partial or total, is feasible.

In the Naga and the Lushai Hills, the arguments in favour of total exclusion remain as strong as ever.

If the Mikir Hills are to be partially excluded, it would be sound to join the town of Dimapur and surroundings, which were formerly in Sibsagar district, again with them; transferring the small area back to Sibsagar for administrative purposes.

There remains the district of Khasi and Jaintia Hills which presents the hardest problem. The Khasis fear that appointments now open to them in the Province outside their hills will be closed unless they come into the new Council. Mr. Cantlie has clearly pointed out the difficulties. The Khasis have failed to combine by way of federation or otherwise. I fear that total exclusion is the only safeguard against the farther undermining of Siem's authority, and the resulting breakdown of the Khasi polity.

The arguments in favour of total exclusion of the Naga Hills and the Lushai Hills apply as strongly to the Garo Hills. It is only because the Khasi hills cut them off from the totally excluded hill districts that the Garo Hills are not also totally excluded.

For these reasons I am strongly in favour of the total exclusion of the British portion of the Khasi and Jaintia Hills excluding the Municipality and the Cantonment of Shillong. The Khasi argument from a high percentage of literacy is ridiculous. The number of Khasis who have been to school is relatively large, but the standard attained by all but a very few of them is well below "lower primary". The vast majority of Khasis would like to stick to their ancestral customs, and it will be a great injury to them to imperil these because of a vocal few who would betray their race for their own glorification or gain.

COPY OF LETTER FROM THE DEPUTY COMMISSIONER, CACHAR, TO THE COMMISSIONER, SURMA VALLEY AND HILL DIVISION, No. 3260-G., DATED THE 22ND AUGUST 1935.

Your memorandum No. 527-31-C., dated the 21st July 1935.

I have the honour to send a copy of the note of Offg. Sub-divisional Officer, North Cachar Hills, with whom I agree.

The North Cachar Hills are altogether a backward tract. The aboriginal inhabitants thereof are backward in education and know little or nothing of the outside world and of modern life. They have little idea of legislature and of what it stands for, and it will not be possible for them to find a representative from among them to represent them in the legislature. The North Cachar Hills therefore be classified as an "excluded area".

The Bengalis or the people of other provinces who are at Haflong and in the Railway stations are living there in connection with business concerns and have no interest in the well-being or in the internal life of the Hill people. The fact of their living there therefore does not count so far as representation of Hill people in the legislature is concerned.

There are no hill tribes in the plains to any appreciable extent. The question of classifying the localities inhabited by them as a partially excluded area does not arise.

D. C.,

Reattached—the problem is rather a difficult one as far as the North Cachar Hills are concerned:—

(1) It may be argued that as there is a railway through the middle of the sub-division it should not be considered to be an excluded area.

(2) Again a large number of the Cacharis can be treated as sophisticated and able to look after their own interests.

(3) Whereas the other tribes of the sub-division especially the Kacha Nagas have very little idea of the outside world and are quite unable to look after their interests.

(4) Then there is the question of administration if the North Cachar Hills is made an excluded area. Presumably they would have to be included as a sub-division of the Naga Hills—communication between the two being difficult.

Considering these points I am of the opinion that the interests of the North Cachar Hills would be best looked after if treated as an "excluded area".

COPY OF A LETTER FROM THE DEPUTY COMMISSIONER, KHASI AND JAINTIA HILLS, TO THE COMMISSIONER, S. V. D.

Matters have gone too far to exclude now the British portions of the Khasi and Jaintia Hills. The question was not referred to the Deputy Commissioner but was decided by Government. I understand that a deputation approached Sir Laurie Hammond when he was on tour in the Jowari town and their request made him decide in favour of inclusion. Political opinion is confined to a few educated men but they have influence. There was a protest from Jowai and a campaign was conducted rigorously by a leader there against inclusion but finally he told me that he would give up as he could

not get sufficient persons to join him. Mr. Nichols Roy has been the Chief supporter of inclusion and his views were probably the main reason for it. He told me that by exclusion he feared that entry to schools and colleges, employment in Government service, medical, educational and other benefits would be lost to Khasis. It is undoubtedly a weighty argument.

In Shillong, educated Khasis have become detached for their States and have, by special efforts made while the India Bill was before Parliament, secured the retention of their voting privileges although not British subjects and not in British territory. They look to Government and not to their chiefs and they are very pleased at having a share in the Council. There would be a great outcry in the town. Mr. Nichols Roy was greatly perturbed when the Bill as drafted originally excluded the Siem's part of the town and told me that if this was the final bill, there would be an agitation to abolish Siems and become British subjects. Such a statement shows the intensity of the feeling.

In the interior, the arguments are powerful that the hills, because of thier high figures of literacy, are not backward and should not be excluded on this account. Mention was made in meetings, of the coming freedom from the arbitrary power of the Deputy Commissioner. Such a line of persuasion is always effective.

The promise that the Governor will have a special power of protection has allayed all fear of consequence. All the benefits will be gained and disadvantages can be prevented by petitions to the Governor.

2. The result of entrance will be a deep cleavage among the Khasi people, as conditions in the British portions will differ more and more from those in the States. This is deplored by thoughtful Government officers and is recognised by Mr. Nichols Roy. He said that he would consider exclusion if Khasis would unite to form one State (including the British portions) or would all become British subjects. Independent nationality might be maintained under these conditions. But he saw no hope of this as the Siems could not be brought to unite in any way.

3. My idea is that the feeling about entry into the promised land of Council Government is so strong that exclusion would arouse vehement protest. We have nothing to offer them in exchange as there is no sign of activity to form a Khasi nation with a polity of its own. I believe that educated persons think that if Council Government be fairly pleasing, the Siems will fall, as their subjects will ask to become British subjects and enter the sphere of Council. Only if they be bitterly disappointed with the Council will they turn to the forming of a Khasi nation and undergo the hardships and sacrifices necessary for building institutions of their own.

Administration at present is very difficult indeed on account of the independent powers of the Chiefs of States. I foresee the natural difficulty in these hills under a Council Government *vis-a-vis* the Chiefs, but such considerations do not weigh with the leaders of the educated community who do not appreciate them and who are mostly opposed to the antiquated methods of the Chiefs.

My opinion is that exclusion is now impossible as, to make exclusion satisfactory, educated national feeling must support exclusion and the form of Government resulting from exclusion.

COPY OF LETTER FROM DR. N. L. BOR, DEPUTY COMMISSIONER, NAGA HILLS, TO THE COMMISSIONER, S. V. AND HILL DIVISION, No. 1975-G., DATED THE 14TH AUGUST 1935.

Your memorandum No. 527-31-C., dated the 21st July 1935, forwarding a copy of Reform Officer's letter No. 2709-12-Fr., dated the 15th July 1935.

The question of excluding the Naga Hills from the operation of the Reforms has been ably treated by my predecessors and their reasons have been found convincing and adequate by the Government of India.

I have nothing further to add to their arguments except to remark that there has been no change in the conditions in the meantime in the Naga Hills which would invalidate any of their statements.

COPY OF LETTER FROM L. L. PETERS, ESQ., A.C.S., OFFG. SUPERINTENDENT, LUSHAI HILLS, TO THE COMMISSIONER, S. V. AND H. DVN., No. 1468-C., DATED THE 13TH AUGUST 1935.

With reference to your No. 527-31-C., dated the 21st July 1935, forwarding a copy of Reforms Officer's No. 2707-12-Fr., of 18th July, I have the honour to report that after a careful survey of the conditions prevailing in this district I am of the decided opinion that it should be retained amongst the "excluded" areas as set forth in Part I of the original Sixth Schedule to the Government of India Bill. The only argument that can be put forward against this opinion is that, since the publication of the Bill, the district has sufficiently advanced economically, politically and culturally to enable it to make its place amongst those districts coming under the Reformed Constitution. This however is not the case as conditions in the district remain unaltered since the publication of the Bill. I shall endeavour to show what these conditions are:—

Economically.—The district is about the poorest in the province. The standard of wealth is an extremely poor one, anyone having accumulated Rs. 200 being considered a man of substance. Trade is negligible as the communications are so primitive that there are next-to-no local products. There are some petty shops, the majority owned by foreigners, and business is confined to petty merchandise and the bare necessities of life to meet local demands. There are no industries.

Politically.—It may unhesitatingly be stated there is not one local inhabitant of the district who has the faintest idea of politics or constitutional Government, the political horizon being limited to the present administrative policy. It may further be stated that at least 95 per cent. of the population are totally ignorant of events outside the district.

In April last year an agitation was started by a few disgruntled shop keepers of Kulikwan (Aijal) resulting in a memorial being forwarded to His Excellency the Governor in Council praying for representation in the Council.

A representative public meeting was called and the signatories to the memorial were called upon to put forward their case. Not one of them had the foggiest idea as to what the request embodied in the memorial implied. After an open discussion on the subject they realised that they had been made dupes of a few sophisticated and interested Lushais outside the district, who had themselves been used as the cats-paw by a certain unscrupulous and ambitious Member of Council. The end of this episode was farcical as the contemplated Council entry bubble burst flat to the ignominy of the would-be politicians. The latter have learnt a bitter lesson and it will be a considerable time before they are again inveigled into having anything to do with the political game.

The form of administration in the district whereby the village under the chief's rules is an integral part of the machinery. would break down completely under the Reformed Constitution as the primary contributory cause to its destruction would be the downfall of the chiefs, with the consequent disintegration of village, and national life. This disintegration would be caused by factional strife in the village life, as, without a nominal head recognised by Government there would be serious disunity ending in chaos, due to the outstanding national trait—individualism. This trait is, under the present administrative policy, curbed to such an extent that it cannot get its head down and bolt to destruction as it would if the district was brought under the Reformed Constitution.

Culture.—It would be facetious on my part to attempt a comparison between this district and those coming under the Reformed Constitution as regards this phase of national development.

The intelligentsia of the district comprises 3 or 4 B. A.'s of limited intelligence and knowledge. The most advanced public man is a junior Sub-Deputy Collector of very limited ability. In other walks of life, science, medical, engineering, educational, literature, ecclesiastical, to mention a few—what do we find? In the field of science—*nil*; the medical profession—some 6 Sub-Assistant Surgeons with a very limited knowledge; engineering—3 sub-overseers in the P. W. D. holding very subordinate posts calling for next-to-no engineering skill; educational—a few Mission products of extremely limited intelligence capable of imparting knowledge up to the Middle English standard; literature—confined to the publication of two monthly organs in the vernacular—one a Christian Journal; ecclesiastical—a number of Mission workers having an extremely narrow out-look and a very limited knowledge of matters biblical.

Can anyone, in his wildest imagination attempt to compare this standard with that found in those districts coming under the Reformed Constitution, where the highest positions in the land and all walks of life, are filled and represented by men capable of holding their own with the ablest in most countries of the world?

There is no necessity for me to dilate any further and I accordingly sum up by reiterating that the people of this district are in no way fit to be brought under the Reformed Constitution. I also go so far as to state that it would be a breach of faith on the part of Government if the district is brought under any other form of administration than that prevailing now, until such time as there are leaders sufficiently developed and educated to take their place beside the intelligentsia and public men of the plains. I might in conclusion mention that I have consulted public opinion, the Mission included, and the general view is that it will be several generations before the district is sufficiently developed to be brought under the Reformed Constitution, and that it is of vital importance to the interests of the people that the prevailing administrative policy be continued till such time.

COPY OF LETTER FROM THE POLITICAL OFFICER, SADIYA FRONTIER TRACT, TO THE REFORMS OFFICER, SHILLONG, No. 1144-G., DATED SADIYA, THE 2ND SEPTEMBER 1935.

In reply to your letter No. 2709-12-Fr., dated 15th July 1935, I have the honour to report as follows:—

Though I have been in this District only a very short time and am not qualified to speak with the authority of others in the Province who have many years experience of Hill Tribes, I have no hesitation in recommending strongly that the whole of the Sadiya Frontier Tract be totally "Excluded". The progress of education amongst primitive peoples is necessarily slow and the tribes on this Frontier are definitely incapable of understanding or benefiting from a representative form of popular Government, nor do they want it.

Experience has shown that contact with civilisation is harmful to the tribesman, causing him to deteriorate physically and morally. His ancient customs and beliefs are undermined and he loses his self-respect and independence. It is still essential to protect him as far as possible from these influences and to this end, the present simple and elastic forms of judicial and administrative procedure have been evolved and are best suited to the needs of the various tribes.

A great deal of the legislation in force in a regulation district cannot be applied to a tribal area without drastic interference with customs and precedent, which, under the present system of direct administration, are preserved to the utmost limit. If the constitutional changes about to be inaugurated in the Province could be applied to this District which, I submit, is definitely impracticable, the welfare and needs of the tribes would receive scant consideration from a Legislative Council on which their representation would be in a decided minority. It is essential therefore that expenditure on the area should be "Non-voted", which would not be the case if it were only "partially excluded".

In this District alone there are Abors, Miris, Mishmis (Bebejiya and Taraon), Hkamtis, Singphos and Nagas, from none of whom is

there anyone sufficiently educated nor qualified to speak for his tribe. And, if there were, it would be impossible for him to adequately represent the views and wishes of all the tribes.

Progress, if it is to be beneficial, must be gradual, and to this end, I submit that it is in the best interests of the tribes and of Government to continue the present system of administration in the Sadiya Frontier Tract and to exclude it entirely from the new reformed Constitution.

COPY OF LETTER FROM THE POLITICAL OFFICER, BALIPARA FRONTIER TRACT, CHARDUAR, TO THE REFORMS OFFICER AND ADDITIONAL SECRETARY TO THE GOVERNMENT OF ASSAM IN THE APPOINTMENT AND POLITICAL DEPARTMENT, SHILLONG, No. 4-SECRET, DATED THE 13TH SEPTEMBER 1935.

With reference to your Secret No. 2709-12-F.R., dated the 15th July 1935, regarding excluded areas.

The population of this Frontier Tract consists largely of Daflas, Miris, Kacharis and Assamese, of which the Assamese are the smallest community. In my opinion, if this Frontier Tract is not included in the excluded area, administration will be almost impossible. A large amount of intercourse is carried on by the inhabitants of this Tract with Daflas and other independent hill people, and cases between them cannot be dealt with in the ordinary methods of law.

NOTE BY DR. J. H. HUTTON, C.I.E., I.C.S., DATED THE 18TH SEPTEMBER 1935, TO THE REFORMS OFFICER.

There seems to be very little that can be added at this stage except a brief note on the various areas with regard to which the proposal for exclusion or inclusion has arisen as a result of the Secretary of State's orders for a complete re-examination.

Obviously nothing need be said with regard to the Naga Hills, the Lushai Hills, and the Sadiya and Balipara Frontier Tracts. Government and local officers have from the start been unanimous as to the necessity for their exclusion; this necessity has been questioned by no one, and the situation has in no way changed. It is also unnecessary for me to say anything with regard to the backward people (Kacharis, Miris, etc.), scattered about the various districts of the Assam Valley. The Deputy Commissioners of Goalpara, Kamrup, Nowgong and Lakhimpur have all considered the matter and all agree that their exclusion is impracticable and unnecessary and the Commissioner reports in the same sense, pointing out that their position will be no worse than that of the peasantry of the plains generally.

With reference to the area with which some doubt may arise or has arisen, it will be simplest to take them one by one:

1. *Khasi and Jaintia Hills.*—Although at the time of the visit of the Simon Commission I considered that this district should be

totally excluded from the Reforms and although I still think that its inclusion is contrary to the interests of its inhabitants, I do not see that the opinion expressed by the Deputy Commissioner can be rejected, unless the population itself were to make a very clear expression of opinion in favour of standing out. The Commissioner, S. V. and H. D., is, it is true, in favour of complete exclusion but I think that the opinion of the Deputy Commissioner must carry greater weight. What one would like to see would be some sort of reservation which would enable the Khasis and Syntengs to terminate their partial exclusion by contracting out no less than by contracting into the Constitution. In my opinion to totally exclude them at this stage would cause a very real feeling of grievance, but I am not at all sure that a time will not come when the Khasis may prefer exclusion to inclusion. It is possible that the Secretary of State might be able to make provision for this when drafting the Order in Council. Further I think there is no doubt but that the Kukis, Mikirs and Bhois, who are quite illiterate and do not share in Khasi or Synteng feeling, should be excluded by an adjustment of boundaries which would put them into the North Cachar Hills or the Garo Hills. The present boundary between the North Cachar and the Jaintia Hills runs along the Kopili river but I think that the possibility of moving this boundary further west should be examined. I am not myself acquainted with the area west of the Kopili. It is possible that on the Garo Hills side State territory goes right up to the boundary in which case of course no adjustment is possible. If not, the question of re-alignment should probably be examined with regard to that boundary also.

2. *The Garo Hills.*—The case of this district was probably confused from the start owing to a suggestion that the Frontier districts from the Lushai Hills to the Sadiya Frontier Tracts and westwards to the Bhutan border should form an independent administration directly under the Government of India. The Garo Hills and the Jaintia Hills would then have had to be included in Assam proper in order that the two valleys should not be territorially separated by an area administered by the Central Government. Since this suggestion came to nothing there seems to be no case at all for the partial inclusion of the Garo Hills. That district is in many ways more backward than some (*e.g.*, Lushai Hills) which are to be totally excluded. The attempt to represent it on the Reformed Council is almost farcical and there is no reason to suppose that the district as a whole either understands it or desires it, and the nominated members who were the best Garos who could be found to represent the Backward Tracts in the existing Constitution proved incapable of contributing anything towards its working. The Deputy Commissioner has adequately emphasised the extreme contrast in social organisation, customary law and tribal sentiment between the Garos of the Hills and their neighbours in the plains. The Commissioner makes the very important point that the zemindars who own land within the Garo Hills will undoubtedly launch a campaign of exploitation if they feel that they can rely upon indifference on the part of the administration, while it is possible that a democratic administration in Assam would afford not merely such indifference

but definite sympathy with the zemindars rather than with the Garos. The general position therefore with regard to the Garo Hills is not that there is a possible case for its exclusion but that it is quite impossible to find any argument even for partial inclusion in the Reforms. The only difficulty which arises in connection with this district is the possibility that the plains *mauzas* should be included either partially or totally. This is a point on which further information is required from the district. Apparently the Deputy Commissioner recommends that *mauzas* 6, 7 and 8, containing very few Garos and mostly Hindus and Muhammadans, should be partially excluded only and should vote in the adjacent constituencies in Goalpara. In regard to these *mauzas* the question arises whether it might not be better to re-adjust the district boundary so as to throw them into Goalpara District. There would seem however to be no inherent reason why those *mauzas* should not be partially excluded instead of totally excluded and remain a part of the Garo Hills district, voting for representation in the Council with the adjoining *mauzas* of Goalpara.

3. *Mikir Hills.*—Here the two Deputy Commissioners concerned with this area do not entirely agree as to how it should be treated. The Deputy Commissioner of Nowgong rightly in my opinion considers that the Mikirs should be totally excluded; the Deputy Commissioner of Nowgong is personally acquainted with the Mikir Hills. The Deputy Commissioner of Sibsagar says that a case for total exclusion has not been made out, but he is himself completely unacquainted with either the Mikirs or their habitat, and has to admit that it will be difficult to find a suitable person to represent them on the Council. On this point the Deputy Commissioner of Nowgong is illuminating. He points out that expenditure on the Mikirs, if partially excluded only, will be votable; that the Mikir Hills are outside the scope of Local Boards; that they are so backward that they will not be able to raise any voice in matters that affect them even vitally; and that they will probably be unable to secure anything at all in the allotment of funds for purely local purposes. He thinks that any member they return will probably be some one put up by a party in the plains, and points out that attempts to "carpet-bag" the Mikir constituency are already being made. The Commissioner agrees with the Deputy Commissioner, Nowgong, in recommending the total exclusion of the Mikir Hills. An objection has been made to the total exclusion of the Mikir Hills on the ground that it splits up the Assam Valley into two. This objection appears to me completely invalid. No communications run through the Mikir Hills and whether they are totally included or totally excluded will not make the least difference to the life of the plains *mauzas* which surround them. I see no reason why they should not, if necessary, remain within the administration of the District Magistrates of Nowgong and Sibsagar respectively and still be totally excluded, though I agree with the Commissioner of the Surma Valley that it would be very much better to form a combined charge of the Mikir Hills which could probably be placed under a Sub-Deputy Collector with headquarters at Mohengdijua or as he suggests, at Dimapur. I do not think the Deputy Commissioner, Naga Hills, would raise any objection to the transfer of that

part of Dimapur *mauza* which lies west of the Dhansiri river, since Kohima is no longer dependent on bullock carts for transport. If, however, the Mikir Hills be totally excluded I should be inclined to include with them the *mauzas* of Barpathar and Sarupathar which it was proposed to include in the representative system. Those *mauzas* might remain in the excluded area until the Development Board has finished its work, when they could be incorporated in Golaghat Subdivision if they so desire. That the Hill portions of the Mikir Hills Tract should be totally excluded is, I think, a view with which any one who knows them will agree. The Mikirs are in some ways the most backward tribe in Assam and they are totally unfitted to protect themselves against exploitation. Only recently the Deputy Commissioner, Nowgong found that in some villages the Mikir inhabitants were being oppressed and systematically milked by foreign money-lenders and shop-keepers, who had come and squatted there for that purpose without any authority at all. He was able to order these foreigners to leave, but he might have found his position much more difficult if such settlers were able to bring pressure on the administration through representatives in the Council. As in the case of the Garo Hills the real position seems to be not so much that a case has been made out for total exclusion as that no case for inclusion can under existing circumstances conceivably be made.

4. *The Lakhimpur Frontier Tract.*—This Tract has been excluded on grounds similar to those on which the Naga Hills and the Sadiya Frontier Tract have been totally excluded and these grounds have generally speaking not been questioned. Re-examination however has led to a proposal for substituting for total exclusion of the whole of this Frontier Tract the total exclusion of all but a part of the Buridihing *mauza* and for the partial exclusion of the remainder, *i.e.*, the area west of the Lekhapani stream (I accept the Commissioner's suggested boundary in preference to the Deputy Commissioner's). I am inclined to agree with you that it is inconvenient to split this tract into two and that it would be better either to totally exclude it all or to readjust the boundary between the Frontier Tract and the administered district, and would therefore suggest that this point of view should be put before the Commissioner, who may prefer total exclusion of the whole area to inclusion of part in the administered district. At the same time I am inclined to think that this question of partial exclusion of some small areas will rise elsewhere, as it probably does in the Garo Hills, and though partial exclusion of any kind is going to be much more difficult to work under the Reformed Constitution than total exclusion I do not think that partial exclusion of even so small an area is an impossible proposition. If, however, that is decided on I would suggest extending the Lakhimpur district proper to the Lekhapani and then partially excluding the added area as part of the Lakhimpur district and not as part of the Frontier Tract. Apparently the only difference in treatment of partially excluded areas under the Reformed Constitution will be that all orders passed in regard to them will need to be approved by the Governor before being valid but they will presumably pass through the ordinary secretariat and the Ministers in the

ordinary way, so that while it would be inconvenient to have a small part of an otherwise totally excluded area partially included it would be less troublesome to have a partially excluded area within an otherwise ordinary administered district. This consideration should also perhaps be taken into account in dealing with the plains *mauzas* of the Garo Hills.

5. *North Cachar Hills.*—The case of the North Cachar Hills has, like that of the Garo Hills, been confused by perhaps irrelevant considerations from the start. The Local Government originally recommended its total exclusion The Secretary of State, for some incomprehensible reason wished to have it included. The Local Government unfortunately agreed to this course and is now in the position of having again to recommend total exclusion. There are several reasons why even partial inclusion should be entirely rejected and none whatever why it should not. Apparently one of the reasons which led the Local Government to accept the proposals for inclusion was that the inhabitants of the North Cachar Hills strongly objected to a proposal put forward to transfer that Sub-Division from Cachar to the Naga Hills. They have on the other hand throughout insisted that they do not want any change in the method of their administration. There is no reason why because it has to be totally excluded the North Cachar Hills should be attached to the Naga Hills district and in that case the reasons for recommending partial inclusion disappear. When it comes to considering how under partial inclusion the North Cachar Hills could possibly be represented on the Council a complete *impasse* is reached. The Kachha Nagas and the Kukis could never agree on a common representative while any one who represented the Kacharis could hardly represent the Naga and Kukis. Further, the experience of the past few years has shown that the eastern side of the North Cachar Hills is an Alsatia for all the fire-brands and "Fly-by-nights" who make trouble in the Manipur State or in the Naga Hills. If this corner of the Province is to be kept in order it is extremely desirable that there should be total exclusion in the North Cachar Hills as in the Naga Hills along the Manipur Border and unity of administration over the two districts.

The Commissioner has pointed out that a readjustment of the boundary is necessary between the North Cachar Hills and the Sadar Sub-Division of Cachar District. Part at any rate of the existing boundary is the 25th parallel of latitude. Such a boundary is completely useless for practical purposes as no one goes about with a sextant to find out when they reach it. It has already been suggested that readjustment of boundary between the North Cachar Hills and the Khasi and Jaintia Hills is desirable and a definition of the boundary on the Silchar side should in any case be taken up during the coming cold weather.

LETTER FROM THE GOVERNMENT OF ASSAM, TO THE GOVERNMENT OF INDIA, No. 3106-FR., DATED THE 16TH OCTOBER 1935.

With reference to paragraph 6 of my letter No. 3044-Fr., dated the 9th October 1935, I am directed by His Excellency Sir Michael Keane to say that he agrees that the Naga Hills, the Lushai Hills, the North Cachar Hills and the Frontier Tracts should be totally excluded and that the Khasi and Jaintia Hills, the Garo Hills and the Mikir Hills should be partially excluded areas.

LETTER FROM THE GOVERNMENT OF ASSAM, TO THE GOVERNMENT OF INDIA, No. 3185-FR., DATED THE 7TH NOVEMBER 1935.

With reference to paragraph 5 of my Confidential letter No. 3044-Fr., dated the 9th October, 1935, I am directed to say that the Governor in Council has further considered the question of re-arranging the jurisdiction of the present two Commissioners with the object of placing all the excluded and partially excluded areas under one Commissioner and has come to the conclusion that at present this is not feasible and that the method which will cause the smallest amount of dislocation is to continue as at present the only difference being that in dealing with excluded areas the Commissioners would be acting directly under the Governor and as such would correspond direct with the Secretary to the Governor on all matters affecting the administration of the excluded areas.

LETTER FROM THE GOVERNMENT OF THE N.-W. F. P., TO THE GOVERNMENT OF INDIA, No. 3079-P.C./1581-P.S., DATED THE 20TH SEPTEMBER 1935.

I am directed to refer to the correspondence ending with your Express letter No. F. 4/35-G. (B), dated the 12th July 1935, regarding the determination of areas to be classified as excluded and partially excluded under section 91 of the Government of India Act, 1935.

2. It is understood that the principles on which Local Governments are desired to frame their proposals are:—

As regards partially excluded areas, these should be limited generally to areas in which aboriginal or backward tribes reside and specifically to (*a*) districts where as a result of the application of the Scheduled Districts Act enactments in modified form [*i.e.*, modified under section 5 (*a*) of the Scheduled Districts] have been applied or officers have been appointed under section 6 of the said Act, and (*b*) areas which have been 'deregulationised'.

3. I am first to deal with the question of partially excluded areas.

(*a*) It cannot be said that there are any aboriginal or backward tribes in this Province in the strict sense of these terms. In some parts, no doubt, especially in the hilly districts, education is not far advanced, but this is only a question of degree and it would be impossible to define a dividing line on the basis of education between backward and normal tribes;

(*b*) The position as regards the Scheduled Districts Act is as follows:—

This Act applies to the whole of all the five districts of the North-West Frontier Province. The enactments which under this Act were originally declared in force in the Province, or subsequently extended to it, are contained in the first three portions of Part II of the Appendix to the Punjab and North-West Frontier Code, Volume III (page 129, 5th edition). Some of these enactments apply to the Province in modified form. These modifications are purely formal in character or on minor technical points, and apply not to particular areas but to the whole Province. There are no modifications of substance in the sense presumably meant by the Secretary of State. It does not appear, therefore, that on this criterion any parts of the Province need be treated as partially excluded areas. If such a criterion were to be strictly applied, it would presumably mean that all parts of the North-West Frontier Province must be treated as partially excluded. This would, of course, be impossible.

(*c*) No officers have been appointed under section 6 of the Scheduled Districts Act.

4. The only 'deregulationised' part of the Province is Upper Tanawal in Hazara District. The position of this area is defined in the Hazara (Upper Tanawal) Regulation of 1900 by which the jurisdiction of otherwise competent legislature is excluded and special judicial powers are given to the Chiefs of Amb and Phulera, the two States of which Upper Tanawal is composed. More recently, Government of India Notification No. 498-F. of 5th September 1933 declared

Upper Tanawal to be a backward tract under the Government of India Act, 1919. The necessity of declaring this area a backward tract is explained in our letter No. 1685/P.C., dated the 9th June, 1933, to Foreign Secretary to the Government of India. The reason was not that the inhabitants of that area were backward, but that the Chief of Amb and the Khan of Phulera possess a peculiar status and jurisdiction and some means had to be found for excluding the control of their affairs from the ambit of the local Legislature.

The Governor-in-Council recommends that this area of Upper Tanawal should be declared an excluded area. It might appear more logical to declare that these two Chiefs have a peculiar status and to legislate specifically for them. But the simpler course is probably to declare their States as excluded areas under the Act. There can in any case be no doubt that special treatment is required for them.

5. Apart from Upper Tanawal, the Governor-in-Council has considered carefully whether any other of the more remote parts of the Province should be treated as partially excluded. There are, particularly, outlying areas in Hazara District such as Agror and Kagan Valley for which a case might be made out for special treatment on the grounds that they are remote and inaccessible. It cannot however, be said that the people of these tracts are more backward than in a good many other areas, and if this principle of remoteness were applied all along the Frontier it might be necessary to include such areas as the Khattaks in Kohat District among excluded areas. Similarly if proximity to the border of independent territory were to be accepted as a criterion for excluding certain areas, it again would have to be applied all along the Frontier, specially in considerable portions of Bannu and Dera Ismail Khan Districts. The Governor-in-Council considers, therefore, that the control of such areas in times of crisis ought more properly to be maintained by means of the Governor's special responsibility under section 5 of the Government of India Act.

GIPD—L473 RO—1-2-36—3,000.

CORRIGENDA (Pages 1—248).

(These corrections are confined to misprints which, but for the correction would leave the meaning intended obscure).

Page 16,	*for* lines 1 & 2	*substitute* "(4) No Administrative inconvenience will ensue if the present arrangements continue unaltered".
,, 18,	line 51	*Delete* "remains in".
,, 19,	,, 35	*For* "can form" *substitute* "are".
,, 27,	,, 14	*Delete* "to" *after* "gives".
,, 30,	,, 8	*Insert* "known" *after* "tribes".
,, 31,	,, 7	*For* "on" *substitute* "or".
,, 50,	,, 1	*Delete* "and".
,, 57,	,, 37	*For* "in" *substitute* "a".
,, 63,	,, 21	*Insert* "not" *after* "has".
,, 83,	,, 6	*Delete* "Until, though" and *substitute* "Though, until".
,, 92,	,, 12	*For* "they invite" *substitute* "as to invoke".
,, 92,	,, 22	*For* "or" *substitute* "of".
,, 119,	,, 32	*For* "no area" *substitute* "the area".
,, 156,	,, 37	*For* "to" *substitute* "the".
,, 159,	,, 30	*For* "Government" *substitute* "Governor".
,, 161,	,, 14	*Delete* semi-colon *after* "concerned".
,, 166,	,, 10	*For* "given" *substitute* "giving".
,, 167,	,, 17	*For* "the generally is" *substitute* "they generally are".
,, 173,	,, 20	*For* "mere" *substitute* "more".
,, 177,	,, 13	*For* "or" *substitute* "of".
,, 178,	,, 10	*For* "effect" *substitute* "affect".
,, 183,	*for* line 45	*substitute* "aborigines grow wheat, rice, mustard-seed, tilli, gram and jungi."
,, 188,	line 49	*For* "with" *substitute* "within".
,, 198,	,, 8	*Insert* semi-colon *after* "scheduled areas".
,, 200,	,, 22	*For* "efforts" *substitute* "effects".
,, 208,	,, 42	*For* "caste" *substitute* "east".
,, 211,	,, 15	*For* "that" *substitute* "than".
,, 211,	,, 35	*For* "great" *substitute* "threat".
,, 221,	,, 10	*For* "proposal" *substitute* "proposed".
,, 226,	,, 1	*For* "representations" *substitute* "representatives".
,, 236,	,, 7	*For* "for" *substitute* "from".
,, 238,	,, 18	*For* "rules" *substitute* "rule".
,, 247,	,, 14	*For* "Scheduled District" *substitute* "Scheduled Districts Act".

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